Ritualized Degradation in the Twenty-First Century: A Revisitation of Piven and Cloward's Regulating the Poor

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First published in 1971 with an updated edition in 1993, Frances Fox Piven and Richard A. Cloward’s *Regulating the Poor: The Functions of Public Welfare*, stands as a searing indictment of the welfare system in the United States and as a chilling account of socioeconomically oriented public policy preceding and following the Great Depression of the 1930s and the Great Society programs of the 1960s.¹ (The 1971 book elaborates upon ideas regarding the functions of public welfare that the authors first presented in a series of articles published in *The Nation*; the 1993 edition adds two chapters to the original book that contemplate the period of the 1970s–1990s.) Today, *Regulating the Poor* serves as more of a historical account—in part because the categorical assistance program to which the authors devote significant attention, Aid to Families with Dependent Children (AFDC), was replaced in 1996 with the non-entitlement Temporary Assistance for Needy Families.

(TANF) program—sometimes referred to as the “Torture and Abuse of Needy Families” program by recipients because of humiliating experiences with caseworkers. But given that the United States is currently mired in a recession and is headed towards a pivotal presidential reelection—two phenomena that affected relief giving in the past—it is worth revisiting this seminal text on the forty-first anniversary of its publication.

I begin with a brief overview of Regulating the Poor and then proceed chapter-by-chapter through the book, highlighting Piven and Cloward’s key points and their relationship to the authors’ core contentions. Next, I note differences between the 1971 and 1993 editions before suggesting several ways in which Regulating the Poor can function as a useful text today—specifically with respect to contemporary issues of immigration and prison expansion.

The wife and husband duo of Piven, a professor of political science at City University of New York, and Cloward, a sociologist and faculty member at the Columbia University School of Social Work until his death in 2001, begin

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2 Before 1996, an individual could receive welfare benefits for an indefinite period of time. With the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Congress replaced the AFDC program with TANF, which imposed a five-year lifetime limit on benefits, and instituted a requirement that welfare recipients work to receive those benefits. (Thus, unlike AFDC, TANF does not offer cash support to stay-at-home parents.) In addition, PRWORA imposed a ban on eligibility for TANF assistance and food stamps on individuals with drug felony convictions (i.e., drug use, possession, and distribution offenses). Avi Brisman, Double Whammy: Collateral Consequences of Conviction and Imprisonment for Sustainable Communities and the Environment, 28 WM. & MARY ENVTL. L. & POL’Y REV. 423, 443–45 (2004). See also DALTON CONLEY, BEING BLACK, LIVING IN THE RED: RACE, WEALTH, AND SOCIAL POLICY IN AMERICA (Univ. of Cal. Press 1999); DOUGLAS S. MASSEY, CATEGORICALLY UNEQUAL: THE AMERICAN STRATIFICATION SYSTEM 139–40, 171–74 (Russell Sage Found. 2007); MARK ROBERT RANK, ONE NATION, UNDERPRIVILEGED: WHY AMERICAN POVERTY AFFECTS US ALL 110–11, 135–38 (Oxford Univ. Press 2004).


their classic work by clearly stating their main argument: relief programs do not reflect a historical pattern of progressive liberalization or increasing compassion; instead, they serve a larger economic, political, and social purpose to ensure control and to force the poor into the labor market. More specifically, the authors argue that when economic convulsions and mass unemployment lead to outbreaks of social turmoil and unrest, relief policies expand and welfare rolls rise to maintain civil order. When the turbulence subsides, relief systems contract to reinforce work norms and ensure a steady supply of low-wage labor for employers. Piven and Cloward never waiver from their assertion that relief arrangements maintain social and economic inequities, and they conclude with a number of proposals for reform that are as relevant forty-one years ago (or nineteen years ago) as they are today.

Chapter 1 expands upon the thesis that relief programs serve “disorder-moderating” and labor-regulating functions, adding a crucial element to this formulation. Whereas the contraction of the relief system in post-turbulent times expels those who are needed in the labor market, it retains “the aged, the disabled, the insane and others who are no use as workers”—leaving them on the relief rolls and treating them in such degrading and punitive ways as to instill fear in the working-able of what will transpire if they do not work and become beggars instead. The chapter traces the genealogy of this phenomenon, from pre-capitalist times (when the poor were limited in their displays of discontent to begging, stealing, marching, burning, and/or rioting)

5 PIVEN & CLOWARD, 1993 ed., supra note 1, at 3. I am aware and sensitive to the fact that some might find the use of “poor” as a noun (rather than as an adjective) to be disrespectful to those individuals living in poverty. My purpose in employing the term “the poor” is to maintain fidelity to the language used by Piven and Cloward. As such, in this revisitation of Regulating the Poor: The Functions of Public Welfare, readers will encounter terms such as “blacks” (instead of “African Americans”), “welfare mothers” (instead of “mothers dependent upon welfare”), “the aged” or “the old” (instead of “the elderly”), and “the infirm” (instead of “disabled persons” or “differently-abled persons”) because these are the terms that appear in Piven and Cloward’s text. When discussing present circumstances, I will employ the vernacular of today (e.g., “African Americans” instead of “blacks”).

6 Id. at 409.

7 Id. at 3.
to complex capitalist societies, in which the electoral system, with universal franchise, channels disaffection from disorder in the streets to the voting booth—the effect of which is pressure on electoral leaders to expand relief programs at times of political crisis engendered by economic distress.  

Chapters 2 and 3 focus on the rise of mass disorder and the launching of the national relief programs during the Great Depression, as well as the consequences that relief giving had for controlling disorder. In keeping with their thesis about the function of relief, Piven and Cloward assert that the country’s unprecedented volume of relief giving was not a response to widespread economic distress. In fact, a considerable amount of time elapsed and millions of people suffered unemployment and hardship before the federal government responded first with direct relief and then with work relief (in the form of Works Progress Administration [WPA] projects). Piven and Cloward assert that the rising surge of political unrest accompanying this economic catastrophe finally led the federal government to offer aid. Once relief giving expanded and the unrest rapidly subsided, aid was cut back.

If chapters 2 and 3 show how public relief arrangements are initiated or expanded to cope with serious threats to civil order posed by large and volatile masses of unemployed people, then chapters 4 and 5 exhibit how relief arrangements reinforce work norms. Turning their attention to the relatively stable years of the 1940s and 1950s, Piven and Cloward examine the AFDC program and the diverse ways in which states implemented it. The authors focus on the South, describing how Southern states instituted special provisions designed to keep blacks in the labor pool, such as “man-in-the-house” rules, which denied aid to any mother who was in any way associated with a man, and residency laws, which typically resulted in denial of aid to

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9 For an example of Washington, DC’s “man-in-the-house” rule, which excluded women from receiving aid if there was an employable male in the household, see Elliott Liebow, *Tally’s Corner: A Study of Negro Streetcorner Men* 95 n.5 (updated ed. 2003).
those who had not lived in the state for at least one year, thereby cementing the relationship between the regional welfare system and the regional economy.  

Having outlined the contours of the AFDC program and the realities of relief practice in chapters 4 and 5, Piven and Cloward devote chapters 6–10 to the economic sources of disorder that erupted and spread during the 1960s and that culminated in the growth of the relief rolls, especially in the years following 1964. Chapter 6 broadly describes some of the dimensions of, and explanations for, the “welfare explosion.” Chapter 7 digs deeper, exposing the impact of agricultural modernization on the Southern poor, and again concluding that economic convulsions that thrust large numbers of individuals out of the occupational system and into near starvation do not alone account for relief giving. Only when economic disruption and displacement produce disorder and turmoil that threaten the political status quo, Piven and Cloward argue, does government respond by allowing relief rolls to expand. As such, Piven and Cloward assert, relief expansion is not a response to economic need, but to political and social unrest—which may help to explain why we are not presently seeing government welfare programs respond adequately to the current unemployment crisis.  

10 Southern states, which could no longer rely on slavery, wanted to ensure a steady mass of cheap, black labor. In order to ensure a steady labor pool, they imposed residency requirements for obtaining relief. Any poor, black family wishing to move would have to consider the repercussions—a year’s time without the possibility of aid in the new place.  

The authors begin chapter 8 by stating that in the 1950s, large numbers of "economically obsolete rural poor" migrated to the cities—particularly Northern cities—but that they were neither absorbed into the urban economy nor admitted to the welfare rolls. Why, then, did AFDC caseloads rise so rapidly in the 1960s, especially after 1964? And why did it take so long? Piven and Cloward attribute changing federal interest in the plight of the now-urban poor to a political crisis—the growing blocs of black voters in the North and the impact of this voting bloc on national political alignments (i.e., the North-South alliance in the national Democratic Party). Chapter 8, which reads a bit like a history of voting patterns, thus sets the stage for chapter 9, where Piven and Cloward explain how the federal government intervened in local relief arrangements in the 1960s in a novel way. According to the authors, instead of liberalizing the existing welfare system through legislative enactments and amendments, the federal government proceeded indirectly, through a series of measures that had the effect of mobilizing pressure against local relief restrictions (such as establishing welfare rights services, promoting litigation, and nourishing grass-roots organizations).

In chapter 10, Piven and Cloward make clear that in the 1960s, national political leaders did not intend for relief rolls to rise. But the political


As of fall 2011, we are still experiencing economic convulsions. But instead of witnessing the expansion of social safety nets, we are experiencing massive cutbacks at the state and federal levels. While these cutbacks are occurring for a number of reasons, one could argue that (in light of Piven and Cloward’s analysis) such reductions are a reflection of a lack of political or social unrest—or, in light of the recent Occupy Wall Street demonstrations and related “Occupy” protests, a reflection of a lack of sufficient political or social unrest.

12 PIVEN & CLOWARD, 1993 ed., supra note 1, at 222.
13 See IDA SUSSER, NORMAN STREET: POVERTY AND POLITICS IN AN URBAN NEIGHBORHOOD 61, 77 (Oxford Univ. Press 1982) (discussing the component of Piven and Cloward’s analysis of welfare in the 1960s focused on mobilization efforts that exerted pressure against local relief restrictions).
circumstances of the 1960s made it crucial for elected officials to do something for blacks in order to “solidify [black] allegiance to the national Democratic Party, and in order to quiet them.”

Welfare, the authors contend, was the system that made the most sense because blacks “needed money,” and it was far easier (and cheaper) to grant relief than to make concessions and press for changes in housing, healthcare, education, and employment policies and practices.


In the epilogue to the 1971 edition, Piven and Cloward reiterate their suspicion of work-enforcing arrangements, arguing that such measures simply perpetuate and trap the poor in a pattern of expansion and contraction of relief rolls depending on the extent of economic stability and threat of civil chaos. They call for reforms in economic policy that would lead to full employment at decent wages (although they are not particularly sanguine about fundamental reforms in economic policy). Piven and Cloward then make one of their boldest assertions—that “relief explosion” is true relief reform because a large number of unemployed and underemployed individuals obtain aid who might otherwise have been forced to subsist without jobs or income.

Although the 1993 edition of Regulating the Poor omits the original epilogue, Piven and Cloward hold fast to the positions articulated in the 1971 edition. Chapter 11 of the newer version provides a lengthy account of the work-enforcing campaign that evolved in the aftermath of the welfare explosion of the 1960s (including welfare-to-work reforms, such as work incentive programs, workfare programs, job search programs, and education

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15 Id.
16 Id. at 338.
17 Piven and Cloward use the terms “relief explosion” and “welfare explosion” interchangeably throughout their book. See, e.g., PIVEN & CLOWARD, 1993 ed., supra note 1, at 124, 196, 338 (for “relief explosion”); id. at 183–99 (for “welfare explosion”).
18 Id. at 342.
The authors explain this restrictive turn in relief policy and practices (while outlining the failures of workfare) and show how degraded welfare mothers took on the labor-regulating role once played by the old and infirm (discussed in chapter 1), entirely consistent with the historic uses of welfare to enforce market discipline.

Finally, chapter 12 examines Piven and Cloward’s theoretical perspective in comparison to the literature on welfare state development in the rich countries of the West since 1971. The short appendix to chapter 12 reviews and briefly responds to some of the published empirical studies that test the propositions contained in *Regulating the Poor*. It serves as a quick overview of some of the scholarly responses to Piven and Cloward’s work, and it provides a snapshot of the sub-discipline of social welfare history in the last twenty years.

In revisiting *Regulating the Poor*, it is not necessary to rewind to the 1970s (or the 1990s) and assess the Marxian analysis and predictive potential of Piven and Cloward’s work without the benefit of forty-one (or nineteen) years of history. Rather, I wish to take this opportunity to suggest several ways in

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19 Welfare-to-work programs are generally designed to assist welfare recipients in obtaining or preparing for employment. Note, however, that different types of welfare-to-work programs emphasize different goals. For example, some are set up with the chief goal of increasing participants’ income with financial incentives or earnings supplements intended to encourage work. (Although these programs are often efficient mechanisms for transferring income to poor families, they tend to result in a net cost for the government.) Other programs are intended to reduce government expenditures by requiring individuals to look for jobs immediately and by assigning other activities if work is not found. (Although these programs benefit government budgets, they tend to result in small benefits or even net costs for the participants.)

which *Regulating the Poor* can function as a useful text today (aside from providing an historical account of welfare programs in the United States).

First, Piven and Cloward assert that “[w]hen a particular racial group does the most menial work for the lowest wages, the relief system cooperates by reducing the amount of aid to that group or by closing off the possibility of any aid whatsoever.”

In the 1970s, and even into the early 1990s, this meant blacks. But in the 1990s, the number of undocumented immigrants grew by 770,000 a year, thus allowing for a different racial group to become subject to such systemic exploitation.

Today, immigrants from Central and South America are increasingly seen as disposable labor, with policies designed to keep them out of the formal labor market and to punish those who seek relief.

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22 David Leonhardt, *The Border and the Ballot Box*, N.Y. TIMES, Mar. 2, 2008, http://www.nytimes.com/2008/03/02/weekinreview/02leonhardt.html. However, according to Bill Keller, this has changed:
America perform the most menial work for the lowest wages. How to address the influx of individuals across the border and how to treat immigrants once they arrive were highly contentious matters in the 2008 presidential campaigns of both parties, and they continue to be prominent issues at city, state and federal levels. At the state level, Arizona has led the way with its infamous

[I]llegal immigration is falling, sharply, a result of tougher enforcement in the decade since the 9/11 attacks and an anemic American job market. Border policing is at an all-time high. Deportations are way up under Obama. The estimated population of illegal residents has fallen by about one million from its peak of 12 million in 2007.


23 See generally JON WITT, SOC 278 (2d ed. 2011) (“From the Mexican point of view, the United States too often regards Mexico simply as a reserve pool of cheap labor, encouraging Mexicans to cross the border when workers are needed but discouraging and cracking down on them when they are not”); Keller, supra note 22 (“The impact of illegal labor on native employment may be marginal, but it hits hardest at the bottom, displacing those with a high school education or less, who are already the victims of recession and diminishing wages.”).


Support Our Law Enforcement and Safe Neighborhoods Act, which was introduced as Arizona Senate Bill 1070, subsequently modified by Arizona House Bill 2162, and signed into law by Governor Jan Brewer on April 23, 2010 (although legal challenges have so far blocked the law’s most controversial provisions).\textsuperscript{26} Despite the litigation over the constitutionality of


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the Support Our Law Enforcement and Safe Neighborhoods Act, states such as
Alabama, Georgia, Indiana, South Carolina, Utah, and Virginia have attempted
to follow Arizona’s lead with their own strict anti-immigration measures.27

Yorker, July 20, 2009, at 42; Paul Giblin, National Briefing: Southwest—Arizona: Inquiry
Into County Sheriff’s Office, N.Y. TIMES, Mar. 11, 2009,
Into County Sheriff’s Office, N.Y. TIMES, Mar. 11, 2009,
Into County Sheriff’s Office, N.Y. TIMES, Mar. 11, 2009,
While there is some disagreement as to whether immigration issues actually affect the outcome of elections, few would dispute the extent to which immigration has stirred emotions and prompted rallies—even though the United States is not experiencing waves of undocumented immigrants across its borders. Indeed, Michael Welch, a Professor in the Program in Criminal Justice at Rutgers University, New Brunswick/Piscataway, contends that we are currently experiencing a moral panic over immigration, whereby immigrants are being depicted as “intellectually inferior, morally corrupt, and prone to crime—and worse, terrorism” and are being viewed as a threat to American societal values and interests—despite studies that have challenged the immigration-crime relationship (i.e., that those who have immigrated to the United States, legality aside, present a unique threat to contemporary society). Although there are significant differences between the positions of


For a discussion of South Carolina’s contentious immigration law—portions of which were blocked by a federal judge in late December 2011, as well as legal challenges to laws in Alabama, Arizona, Georgia, Indiana, and Utah, see Brown, supra note 26.


Michael Welch, Trampling Human Rights in the War on Terror: Implications to the Sociology of Denial, 12 CRITICAL CRIMINOLOGY 1, 2 (2004).

For a discussion of projections that racial and ethnic minorities will make up one-third of all Americans by 2015 and the dominant class’s increased fear and heightened perception of threat from these growing minorities, see K. Michelle Scott, Looking Through a Glass Darkly: Applying the Lens of Social Cubism to the Police-Minority Group Conflict in America, 8 ILSA J. INT’L & COMP. L. 857, 873 (2002).
the welfare rights movement (in the 1960s and 1970s) and the current immigrant rights movement in terms of the political power of their constituents, Piven and Cloward’s book may presage welfare-race dynamics in future administrations. The authors’ explanations regarding the relationship between precipitous population increases and decreasing social control may help predict the (perceived) likelihood of disorder and the potential responses.34

Second, those attracted to Piven and Cloward’s conspiratorial take on the social function of welfare may sense Foucauldian themes in Regulating the Poor. Notions of discipline and docility poke out in the authors’ historical portions of chapter 1 and again in chapter 4; ideas regarding control of the body emerge briefly in chapter 3; power, a theme throughout the book, is discussed explicitly in chapter 12. Most significantly, Piven and Cloward contend that the relief system creates a class of dependent poor. According to the authors, these individuals, who are of no productive use and remain on the welfare rolls where they are ritually degraded and punished, serve to instill fear in others of what will transpire if they do not work. A parallel scenario unfolds in Discipline and Punish, where Foucault contends that prisons produce

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delinquents who serve as signals to the law-abiding population.  

But let me be perfectly clear: I am not arguing that *Regulating the Poor* is a Foucauldian text. (Aside from pre-dating Foucault, Piven and Cloward’s Marxist leanings should preclude such confusion.) Rather, I am merely suggesting that Piven and Cloward’s text can help illuminate some of Foucault’s ideas and themes, and that students of Foucault should consider reading *Regulating the Poor* to understand some of his genealogical flavor—and, perhaps, some of his potential inspiration.

Finally, Piven and Cloward, in constructing their theory of the function of welfare and its work-enforcing role, do not consider the collateral consequences of conviction and imprisonment on ex-offenders—consequences that frequently include barriers to receiving welfare and securing employment. In their defense, Piven and Cloward did not really need to contemplate such phenomena when they first undertook their project. While prison populations were rising in the early 1990s when the authors revised *Regulating the Poor*, prison populations were still far from today’s numbers and percentages. Today, the United States, which has less than 5 percent of

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37 Prison crowding has reached crisis levels throughout the United States; California’s prison system, which has been operating at double its maximum capacity (and thus in

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the world’s population, accounts for one-quarter of its prisoners. More than one in a hundred American adults now live behind bars and close to 2.5 million individuals are incarcerated—the majority of whom will eventually


Sixty percent of the nearly 2.5 million people currently incarcerated are Latino/Hispanic or African American—a stark contrast to the percentages of Latinos/Hispanics and African Americans in the total US population today. According to the 2000 Census, Latino/Hispanic people, including, but not limited to, Mexicans, Puerto Ricans, and Cubans, encompassed approximately 13 percent of the total US population; African Americans constituted approximately 12 percent of the total United States population. Overall, one in nine African American men between the ages of twenty and thirty-four are incarcerated, and there are more African American men in prison than are enrolled in colleges and universities.


In 2007, Latinos/Hispanics, who made up only 13 percent of the United States adult population, accounted for one-third of federal prison inmates that year. Moore, Hispanics Are Largest Ethnic Group in Federal Prisons, Study Shows, supra note 24. By February 2009, Latinos/Hispanics represented the largest ethnic population in the federal prison system—accounting for 40 percent of those convicted of federal crimes. Id. Note, however, that nearly half of Latino/Hispanic offenders were convicted of immigration-related crimes. Id. See also Bernstein, supra note 24; Moore, Focus on Immigration Crimes Is Said to Shortchange Other Cases, supra note 25. The aforementioned statistic confirms findings regarding the lack of a link between immigration and crime. See Hagan & Phillips, supra note 33. See also Hagan, Levi & Dinovitzer, supra note 32; Hickman & Suttrop, supra note 25.

Environmental Values, supra note 36. See also Moore, Hispanics Are Largest Ethnic Group in Federal Prisons, Study Shows, supra note 25.


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Given this racially imbalanced prison population explosion\(^{46}\) and the growing significance of collateral consequences,\(^{47}\) one needs to ponder what effect these phenomena will have on Piven and Cloward’s depiction of welfare’s disorder-moderating and labor-regulating functions. Sometimes changing circumstances render a text obsolete; other times, social, political, and economic changes provide an additional lens with which to contemplate authors’ propositions. The reality of current prison populations and the collateral consequences that ex-offenders face necessitate that readers of *Regulating the Poor* rethink some of Piven and Cloward’s ideas regarding welfare’s disorder-moderating and labor-regulating functions. Scholars such as the French sociologist, Loïc Wacquant, start us down this path of inquiry,\(^{48}\) but more research is needed. *Regulating the Poor*, then, can help mediate both the role of welfare in society and the purpose of punishment.

In summary, *Regulating the Poor* explodes the notion that relief giving exists as a supportive institution, contending instead that it serves primarily as a means of maintaining social and political tranquility and of ensuring economic and political order. Although the demise of the AFDC program makes Piven and Cloward’s work a bit dated in some respects, the notion that authorities reorganize relief arrangements to enforce work remains compelling. While still provocative in its thesis and important as a pedagogical tool, the real test of the book’s staying power may have yet to come: for although we have yet to witness reforms in economic policy that would lead to full employment at decent wages—what Piven and Cloward initially called for forty-one years ago—the need is no less great and the demands (from Occupy

\(^{46}\) Note that from 1999 to 2005, the number of African Americans in state prisons for drug offenses actually declined. Solomon Moore, *Decline in Blacks in State Prisons for Drugs*, N.Y. TIMES, Apr. 14, 2009, http://www.nytimes.com/2009/04/15/us/15drugs.html. But some speculate that the decline may have resulted from so many African Americans having already been imprisoned over the last two decades. *Id.*

\(^{47}\) See *Environmental Values*, supra note 36.

Wall Street and its related demonstrations and protests\(^{49}\) for change are getting louder.