

# The criminalisation of poverty: social and penitentiary policy intertwined

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Zofia Beszterda<sup>1</sup>

<sup>1</sup> Adam Mickiewicz University, Poznań, Faculty of Philosophy, Szamarzewskiego 89 C, 60-569, Poznań, Poland. ORCID: 0009-0006-0780-6850, Email: [zofbes@st.amu.edu.pl](mailto:zofbes@st.amu.edu.pl)

**ABSTRACT:** The primary aim of this work consists of a critical analysis of the mechanisms through which conditional and employment-oriented social policy (workfare) and the expansion of the repressive functions of penal institutions (prisonfare) have laid the groundwork for phenomena that harm structurally marginalised communities and entrench existing inequalities—namely, mass incarceration and the criminalisation of poverty. Using the United States as a case study, where these phenomena have reached unprecedented levels, I analyse how economic deregulation, the abandonment of the welfare state model, and the expansion of market logic have consolidated structural mechanisms that penalise poverty. This article reflects an attempt at a sociologically engaged critique of a cycle of systemic violence, the victims of which predominantly constitute the poor, especially communities of colour.

**Keywords:** neoliberalism, workfare, prisonfare, criminalisation of poverty, prison system

## 1. INTRODUCTION

In this work, I explore the relationship between the phenomenon of carceral inflation (with a particular focus on the criminalisation of poverty) and accelerating economic deregulation as well as the rigorization of state social policy (in the form of welfare and social security reforms oriented towards conditionality and employment activation). The fundamental research question relating to the issues described above is: How do changes in state social policy—especially the shift towards conditionality and labour market activation—affect prison inflation, including the criminalisation of poverty?

Therefore, the main research objective is to explain and critically analyse the relationship between the restructuring of social and penitentiary policy and the criminalisation of poverty—a process understood in this article as an aggregate of social and criminal justice policies, which structurally disadvantage the poor through penalising activities typically associated with poverty, such as transportation violations, the inability to pay fines or homelessness-related crimes (Edelman, 2017; Hinton, 2016). In the comparative analysis of Mississippi and Massachusetts, poverty is defined by the official poverty measure set by the U.S. Census Bureau: an individual or a household's considered in poverty if their total income falls below the threshold. The challenges posed by the official poverty measure, for example, the fact that it focuses on pre-tax income, does not account for non-cash welfare benefits, and does not geographically adjust the poverty thresholds to reflect the different costs of living, should be kept in mind.

Through the analysis of welfare and criminal policy changes, this work aims to identify the relationship between the state's dereliction of its welfare role and the intensification of economic polarisation and the expansion of surveillance and punishment institutions. This study attempts to identify the contemporary determinants of the processes mentioned above, using the United States as an example, chosen for its unprecedented scale of public sphere atrophy and the inflation of incarceration. In order to discover the links between making state aid conditional on the willingness to take up paid work (workfare) and the augmentation of the penal system as a tool for managing society (prisonfare), and how they both exacerbate the criminalisation of poverty, an analysis conducted in the following manner has been carried out: a historical background of the penitentiary system evolution (Section 2), a description of the elementary operating patterns and presuppositions of workfare and prisonfare (Section 3, Section 3.1), their ties to the structural criminalisation of poverty (Section 4), and the depiction of their real-life consequences using the example of two states, Mississippi and Massachusetts (Section 5).

The key conclusions of this work suggest a correlation between the state's withdrawal from its social policy role and the intensification of its criminal control function. The lack of adequate support networks and preventive mechanisms within social policy forces the state to resort to surveillance and punishment strategies instead. Certain social groups that require state support to achieve economic security or access to services are neglected by the relevant institutions. They fall into the fissures of the system and cannot function within the socially and legally defined framework. As a result, they are forced out of society's bounds. Due to the organisation of the justice system in accordance with free-market tenets, they face a higher risk of harsh prison sentences, the extent of which is disproportionate to the seriousness of their offences. This leads to the expansion of penitentiary policy and an increase in the total number of prisoners. The undisputed victims of this cycle of neglect and penalisation are people experiencing poverty, especially ethnic minorities. The criminalisation of poverty is inexplicable without the context of the racial prejudice penetrating the justice system, which managed to find ways of ex-

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torting the black population even after the abolition of slavery (Blackmon, 2008).

Racism entrenched in the criminal justice system of the 19th and 20th centuries still echoes through the modern one, which continues to imprison thousands (predominantly people of colour) on inconsequential charges related to activities associated with poverty (Edelman, 2017). The carceral turn of the 1970s and 80s mimics the very logic that allowed for convict leasing and prison labour a hundred years before—through the means of tendentious policy making targeted at marginalised categories, the state usurps power over black lives under false pretences of public safety (Alexander, 2010). The subject of carceral inflation and its racist and classist understructure has been widely discussed by a variety of interdisciplinary scholars, who focused on issues ranging from the role of social policy (e.g. Elizabeth Hinton, Peter Edelman), the aspect of gender (e.g. Beth Richie), the history of penal labour (e.g. Douglas Blackmon), the impact of punitive reforms on democracy (e.g. Heather Ann Thompson), the role of local prosecutors (e.g. John Pfaff) or the aspect of immigration and the context of detention centers (e.g. Kelly Lytle Hernández). In this work, I focus primarily on poverty as a key factor that allows the current scale of imprisonment to persist. Economic marginalisation, I argue, is one of the forces which keep the racist and discriminatory ways of the penitentiary alive. I assign a crucial role to the restructuring of social welfare in shaping the state's punitive policies. I draw from scholars specialising in issues of material disparities, such as Peter Edelman (*Not a Crime to be Poor*, 2017) and Loïc Wacquant (*Prisons of Poverty*, 2009), whose piercing accuracy and thoroughness illuminate the racialised and economic dimensions of poverty and punishment. This article aims to build on their work and highlight the role of welfare social policy in reinforcing material inequalities and in the expansion of the carceral system (Zatz, 2020). As a result of applying such a lens, many important aspects of mass incarceration, for example, the gender differences in punitive control mechanisms, the impact of the immigration status of the incarcerated, the criminalisation of disability and mental illness and the persecution of queer communities, remain unvoiced in this text. Scholars who explore the aforementioned issues include Pat Carlen and Julia Chinyere Oparah (gender), Daniel Kanstrom (immigration and deportation), Liat Ben-Moshe (disability) and Andrea Ritchie and Dean Spade (the LGBTQ+ community)—their work problematises the issue of carceral governance and allows for a deeper understanding of its interrelations with other aspects of social life.

The contribution of this paper lies not in claiming novelty for the issues raised, but in directing attention to labour activation policies parallel to formal incarceration, which fuel and reinforce the politics of punitive governance. I illustrate my point by comparing Massachusetts and Mississippi, whose distinctly different incarceration rates seem to align with the welfare rigorization trend that disproportionately impacts poor communities. The comparative analysis aims to demonstrate how the various historical and political genealogies of the two states shape the current levels of imprisonment. This comparison by no means suggests that the differences in the incarceration rates are a

result of simple causal relationships. This analysis inevitably overlooks possible variations in data collection, local policing and sentencing practices, prosecutorial discretion, and the broader relations between the historical and cultural contexts of the two states. Its purpose is solely to illustrate, how Mississippi's post-slavery labour structures, racial composition, the lack of social protection mechanisms and the amplification of zero-tolerance policing could translate into its highest incarceration rate in the country, and how Massachusetts' lack of historical racial labour regime typical in the South, current investments in education and social services and stronger welfare state traditions could translate into its lowest one.

Other limitations of this paper include its reliance on existing data. Many sources (especially when discussing the welfare and prison systems) include data from state institutions, which might be over- or understated for various political reasons. Furthermore, the primary foci of this paper include welfare and prisonfare, and the majority of the conducted analysis regards state policy and is limited to the systemic level. Other factors (such as the unique role of social movements, the privatisation of prisons, the aspect of gender, the context of immigration, the experience of imprisonment among communities of Latin origin, differences in political awareness or individual experiences), which would undeniably diversify and expand the conclusions formulated, are not explored due to the restrictions of the format.

This paper argues that there is a clear correlation between increased rigorism and austerity in public welfare expenditures and the dramatic increase in incarceration rates, known as carceral inflation (Edelman, 2017). The implications of restructuring the state's social policy toward welfare-to-work and the proliferation of penal and surveillance solutions are intertwined (Zatz, 2020). Institutions that penalise poverty range from courts, jails, and prisons to federal administration and social welfare institutions. The primary demographic impacted by these changes is the economic margin, predominantly poor communities of colour (Hinton, 2016).

## 2. HISTORICAL BACKGROUND OF RACIALISED COERCED LABOUR AND POLICING

The very dawn of the structural co-dependency of market and the penitentiary goes back to the abolition of slavery in the 19th century (Bauer, 2018). Slave labour, which was formally terminated with the Emancipation Proclamation in 1863, constituted the cornerstone of the southern states' production. After its abolition, the South's economy crumbled, and the need for cheap labour rapidly increased (Blackmon, 2008). As a consequence, virtually all of the southern states started passing laws that aimed to criminalise the formerly enslaved (Hinton, 2016; Blackmon, 2008). Through vaguely defined, inconsequential crimes, which were explicitly formulated to target the black population (such as vagrancy), the states granted themselves the power to arrest and vilify black

Americans. The practice of convict leasing, which emerged in the 1870s, allowed private entrepreneurs and corporations to “lend” inmates from the government and use their labour to an extreme degree (Bauer, 2018). This reinvention of slavery, sanctified by the Thirteenth Amendment, which permitted the coerced labour of prisoners, involved the same exploitation of black people as their enslavement before the Civil War (Blackmon, 2008). The defendants of the convict-leasing system, usually the very same people who kept or directly benefited from keeping slaves, justified it through arguments of profitability and solidity of convict labour, as well as the innate inferiority of the black man. As Shane Bauer (2018, p. 154) puts it: “Like with slavery, racist ideology and the profit motive went hand in hand. If reformation of black criminals was impossible, the logic went, we might as well make use of them in the mines”.

Michelle Alexander (2010) argues that the explicitly racist laws introduced in the late 19th century, which constituted the American system of racial segregation, have been contemporarily reinvented as the “New Jim Crow”. Contrary to the convict-leasing era, the New Jim Crow marginalises the black community through seemingly race-neutral policies, which in reality disproportionately target the black population through extensive policing and sentencing. Structural racism is an integral aspect of policy-making changes, mainly the labour activation turn of state social welfare in the 80s and 90s and the punitive shift to the zero-tolerance policing paradigm, which directly shaped the current trend of carceral inflation. The new law enforcement strategy, rooted in the idea of aggressively combating minor offences in order to prevent serious ones, was structurally central to the War on Drugs, which is considered to have had a major impact on the growth in incarceration rates (Wacquant, 2009).

The establishment of the War on Drugs is attributed to Richard Nixon, who served as president from 1969 to 1974. The Nixon administration adopted the fight against substance abuse as a fundamental political goal, undertaking a series of measures aimed at reducing urban crime, especially related to drug use. The theoretical framework for the formulation of the new credo of anti-drug programs was provided by the broken windows theory, according to which strict punishment for minor offences will prevent serious crimes in the future. The implementation of this logic resulted in harsher penalties, increased funding for services and prevention programs, and the establishment of a special Drug Enforcement Administration. These changes shaped the current anti-drug regime, which, in later years, especially after Ronald Reagan took office in 1981, only grew stronger. President Nixon used anti-drug laws as a weapon in the fight against political opponents and groups that were problematic for the government apparatus. Through the stigmatisation and criminalisation of people who used psychoactive substances, the state authorities legitimised the aggressive expansion of lower-level police surveillance.

In a widely discussed article, *Legalize it All*, Dan Baum recalls an interview he held in 1994 with John Ehrlichman, Nixon’s advisor, in which his interlocutor sums up the philosophy of the government at the time: “The Nixon campaign in 1968, and the Nixon

White House after that, had two enemies: the antiwar left and black people. (...) We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did" (Baum, 2016). The bluntness of this statement seems to be striking. There can be no illusions about the intentionally discriminatory consequences of the War on Drugs. The disruption of communities of colour and political groups, its implementation had caused was by no means incidental. The new legislation had a clear racist and classist dimension. Among other things, incomparably longer sentences were imposed for possession of crack cocaine, which was a cheaper and more popular alternative among black ghetto residents. The penalty for possession of five grams of crack cocaine was a minimum sentence of five years' imprisonment without parole. At the same time, the same sentence applied to a hundred times the amount of cocaine in powder form, typically used in white elite circles (Vagins & McCurdy, 2006). In addition, laws were passed that increased the severity of prison sentences, such as the three strikes law (drastically extending sentences for repeat offenders to a minimum of 25 years) and the truth-in-sentencing law (requiring inmates to serve at least 85% of their sentence) (National Research Council, 2014). Treating incarceration as the primary method of crime management increased the number of inmates convicted of drug offences in federal prisons from less than 5,000 in 1980 to nearly 53,000 in 1995 (The Sentencing Project, 2019). The rapid increase in demand for prison facilities created an opportunity to profit, which was swiftly seized. Corrections Corporation of America (currently CoreCivic), founded during President Reagan's War on Drugs in 1983, quickly became the largest private provider of correctional facilities. Private prisons and the state were joined in a "[p]erfect marriage of fiscal and tough-on-crime conservatism, the companies would fund and construct new lockups while the courts would keep them full" (Bauer, 2018, p. 38). The oppressive nature of the new police-penal order was and is primarily politically valuable for the process of creating a new scapegoat—poor black people.

### 3. DISCIPLINARY MECHANISMS: WORKFARE

The history of the penitentiary and the War on Drugs shows how the enforcement of discipline through coerced labour at the threat of carceral punishment is embedded in the historical aftermath of slavery. The structural discrimination of black people, combined with the discourse of victimisation of the poor, paved the way for changes in social policy, which went hand in hand with the War on Drugs' punitive agenda. Massive cuts in funding of social programmes in the 80s (including Medicaid, Food Stamps, AFDC and Job Corps) and the introduction of more restrictive criteria for applying for social benefits were intended to significantly reduce the number of beneficiaries, weed out "free

riders" and promote labour activation (Frysztacki, 2005). These changes, which began in the 1980s, were ultimately sealed by the political decisions of successive governments, primarily through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, introduced by Bill Clinton. Krzysztof Frysztacki described it as "(...) perhaps the most radical change, effectively ending the general principle that a given person (family) in certain social conditions, primarily insufficient material ones, has a formal, unquestionable right to apply for social assistance" [own translation] (Frysztacki, 2005, p. 159). With the introduction of PRWORA, the period during which an individual could receive welfare benefits was limited to a maximum of 5 years, with the obligation to take up paid employment after 2 years. The eligibility criteria were raised, and the most extensive federal welfare programme, AFDC (Aid to Families with Dependent Children), has been transformed into TANF (Temporary Assistance for Needy Families). With PRWORA, the very meaning of social policy has been redefined and translated into the language of individual obligation to take up work, resting on the beneficiary.

Guy Standing states that welfare "[e]ssentially means obliging people to perform state-chosen labour as a condition for receiving state benefits. It can also mean requiring benefit recipients to do labour-related activities (...) or lose entitlement" (Standing, 2015, p. 262). The idea of welfare-to-work, therefore, assumes that benefits should be considered a privilege for those in need. They should be time-limited, contingent on the potential recipient meeting other behavioural criteria, and aimed at motivating individuals to achieve financial independence through paid work. Political changes in the field of social policy have introduced additional eligibility criteria, emphasising mutual responsibility between the state and its citizens and seeking to prevent „undeserving" individuals from accessing benefits. The result of this ongoing restructuring of state assistance programmes towards professional activation, which began in the early 1990s, is a stable downward trend in the number of households receiving social assistance. Between 1996 and 2002, this number fell by more than 50%, from 4.6 million households to 2.1 million (Crisp & Fletcher, 2008). In 1996, 68 out of every 100 impoverished families received cash assistance. By 2020, this number had fallen to 21 families (Shrivastava, Thompson, 2021). A slight increase was observed only during the COVID-19 pandemic, but by 2022, the number of beneficiaries had fallen below pre-pandemic levels.

The sudden decline in the number of people receiving social benefits does not seem to result from a reduced demand, but rather the limited ability of welfare programmes, such as TANF, to reach those in need. They get fewer households below the poverty line and provide less financial assistance than their less conditional counterparts (Shrivastava, Thompson, 2021). Furthermore, block grant benefits, such as TANF, allow for significant state flexibility in determining the amount of monetary support recipients receive. These disparities translate into deepening racial inequalities, since the states with lower benefit rates are also the ones in which a significant number of beneficiaries are of black and Latin American origin. For example, in Arkansas, the highest benefit rate for a family of

three is \$204 (equivalent to 11% of the poverty line), while in New Hampshire it is \$1,098 (equivalent to 60% of the poverty line) (Centre on Budget and Policy Priorities, 2022).

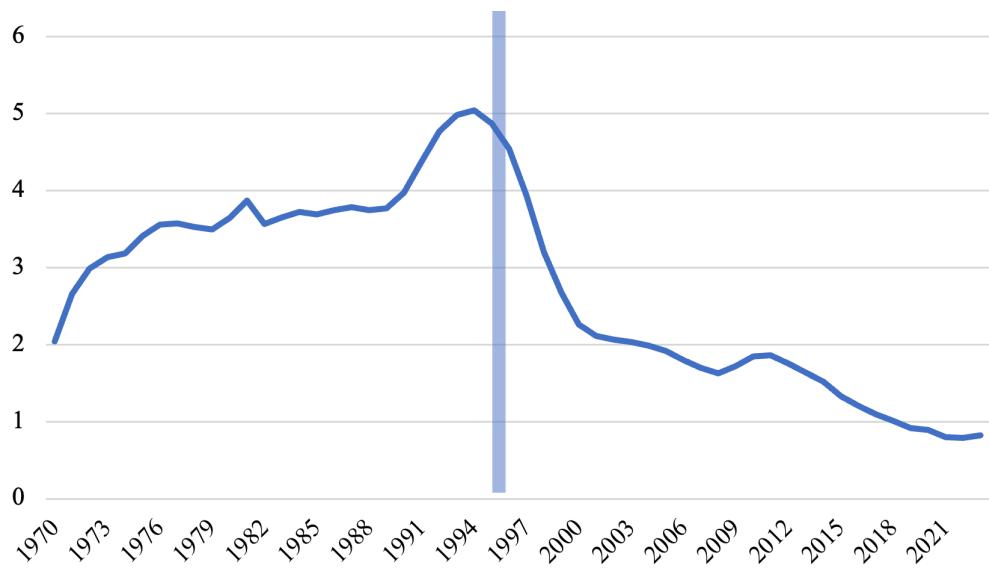


Figure 1. Average annual number of families receiving benefits under the AFDC and TANF assistance programmes in fiscal years 1970-2023 (in millions)

The vertical axis represents the introduction of PRWORA (1996), which transformed AFDC into TANF and sealed the welfare-to-work paradigm shift. The data shows a sharp decline in the number of families receiving benefits from that point onwards.

Source: Own elaboration based on U.S. Department of Health and Human Services (2024)

The fundamental problems posed by workfare benefits stem primarily from their aim of reducing the number of households receiving monetary support. Their success rate is measured by reducing state expenditure as quickly as possible, thereby making each additional condition that beneficiaries must meet cost-effective. The real purpose of workfare benefits turns out to be entirely consistent with the universal capitalist goal of maximising profits and reducing costs. This approach to social welfare has proven to be counterproductive. The pace at which benefit recipients are being forced off welfare not only makes their financial situation more difficult but also leads to very costly long-term trends (such as the deterioration of the population's overall health, which translates into ever-increasing healthcare costs). A strict policy of withdrawing benefits when an individual no longer meets specific criteria (i.e., a high implicit reduction rate) exacerbates the feeling of a lack of control over one's own life. It deepens the stigmatisation and paternalism of contemporary state institutions. Workfare benefits, which should incentivise individuals to obtain and maintain long-term employment, create conditions that do not support these goals (Colombino, 2019). As a result of a significant reduction in the total sum of benefits received when income from paid work reaches a minimum level, individuals find themselves trapped in poverty—the amount of benefits they lose is often greater than the wages they earn. This creates a vicious circle in which it is not profitable for individuals to earn above a certain income threshold, as doing so results in greater

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losses than gains. This significantly hinders the upward migration of poor people on the economic ladder and reproduces their poverty.

Instead of rewarding workers, welfare creates a climate of constant surveillance and control, reminding benefit recipients that they are at risk of sanctions at any time. In addition, means-tested benefits focused on labour market activation create very high administrative costs. It is estimated that the costs associated with bureaucracy, distribution and monitoring of compliance with eligibility criteria amount to approximately 15-20% of the total programme budget (compared to 1-2% for unconditional benefits) (Colombino, 2019). In addition, the drastic overexploitation of social workers, who are responsible for a vast number of cases at once and are obliged to deliver specific results (i.e., cost reductions) to their superiors, creates conditions conducive to oversight and error. Apart from the effects of inefficiency and unnecessary costs, welfare programs also negatively impact social life in general. Their paternalistic and stigmatising nature reinforces existing stereotypes and prejudices about poverty. This leads to a corrosion of the sense of agency among the poor and a lack of trust in state institutions. Welfare mechanisms are, therefore, ineffective tools for lifting individuals out of poverty. They are, however, incredibly efficient instruments of supervision and comeuppance of the lowest social strata.

### **3.1. DISCIPLINARY MECHANISMS: PRISONFARE**

The correlation between the proliferation of welfare-to-work logic and the expansion of surveillance and punishment institutions does not seem accidental. Throughout the 1960s, the number of prisoners in the United States continued to decline (by an average of 1% per year). The total number of prisoners ranged from 220,000 at the beginning of the decade to 194,000 at the end, placing the country within the norms dictated by Western European countries (The Sentencing Project, 2025). The prison was “[v]iewed as a problematic institution, necessary as a last resort, but counter-productive and poorly oriented to correctionalist goals” (Garland, 2001, p. 14). Imprisonment was a seldom-used, extreme measure, but this trend was reversed entirely at the turn of the 1970s and 1980s. With the restructuring of American policy carried out by Ronald Reagan’s cabinet, the total number of prisoners began to rise at a highly rapid pace, reaching over one million in the mid-1990s. The United States “left behind” other developed countries, reaching an incarceration rate in 1997 that exceeded that of Western European countries by 6 to 12 times (Wacquant, 2009). Suddenly, after years of diverging from the carceral punishment, the political rhetoric started portraying it as an irreplaceable tool of ensuring social order (Garland, 2001). Surprisingly, this unexpected reversal in the mode of imprisonment was not driven by increased crime rates. As Wacquant points out, the driving force of the increased prison rates was the new “»[p]enal rigor«, which has held sway uncontested in the United States for two decades, resulting in a quadrupling of the carceral population unprecedented in the annals of democratic societies, during a period when the crime

rate was flat and then sharply declining" (Wacquant, 2009, p. 10).

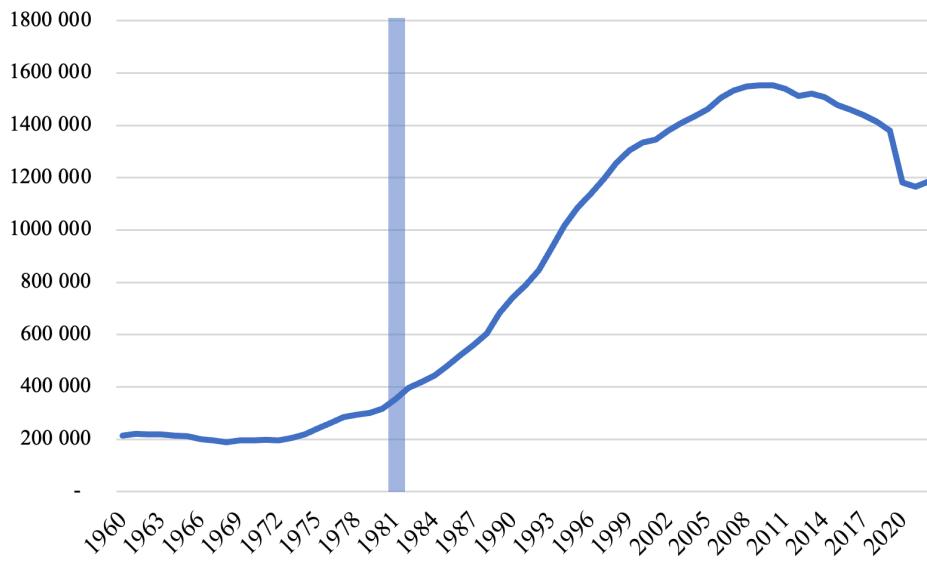


Figure 2. Changes in the number of inmates in state and federal prisons in the United States between 1960 and 2022

The data in Figure 2. refer to the population of federal and state prisons and do not include inmates in local county and city jails. Including inmates in the latter category, the total number of inmates currently exceeds 2 million, reaching a peak of approximately 2.3 million in 2010. The vertical axis represents Ronald Reagan's inauguration as president in 1981.

Source: The Sentencing Project (2019)

The prison population began to exceed security standards irrationally. The uninterrupted increase in the incarceration rate over more than three decades cannot be explained by the rise in crime or threats to national security (although even if the crime rate had increased, the expansion of the prison sector would have been a controversial solution, to say the least). In reality, the overwhelming activation of the penal dimension of government policy, which began in the 1970s and has largely continued to this day, was primarily linked to legislative efforts to redefine the role of the police and the prison system in disciplining society and to legitimise the disruption of (predominantly) black communities by penal logic (Hinton, 2016). These changes included, among others, harsher sentences and the widespread use of penitentiary solutions: "[P]rison time was increasingly required for lesser offenses; time served was significantly increased for violent crimes and for repeat offenders; and drug crimes, particularly street dealing in urban areas, became more severely policed and punished. These changes in punishment policy were the main and proximate drivers of the growth in incarceration" (National Research Council, 2014, p. 3). The institutionalisation of violence and control is not a distortion of American values, but an inevitable element of a logic that prioritises maximising efficiency through mass punishment. As Silvia Federici (2020, p. 85) notes: "Indeed, today's prison system does not pretend to have a reforming affect, functioning unambiguously as an instrument of terror and class rule".

The functional coalescence of the social policy and penitentiary systems, both subject to the same hegemonic free-market logic, is an integral part of the neoliberal model of state governance. Despite ostensible attachment to the idea of small government on a symbolic level, reality shows that the growth of disciplinary and punitive institutions is not a departure from the neoliberal policy model but an inherent part of it. The logic of gradually shifting responsibility for social problems from the welfare sector to the criminal justice sector is a natural consequence of the corrosion of state social institutions and progressing economic deregulation (Wacquant, 2009). Once we reject purely declarative platitudes about the goals and values of neoliberal governments, it turns out that “[t]he United States gradually converted the right to »welfare« into the obligation of »workfare« and supplemented the latter with a hyperactive police, judicial, and carceral state for which the criminalisation of racialized poverty and the confinement of dispossessed and deviant categories have come to serve as a queer form of social policy toward the marginalized” (Wacquant, 2009, p. 209). The management of the needy at the workfare level is based on the same principles as in criminal legislation; in an analogous punitive manner, the mechanisms of state intervention bend those who have fallen victim to systemic deregulation into obedience (Hinton, 2016). The close connection between neoliberalism’s hegemonic political and ideological position and the sudden proliferation of repressive policies directed against communities that threaten the social order is evident in the phenomenon of the criminalisation of poverty (Wacquant, 2009).

#### 4. THE CRIMINALISATION OF POVERTY

The mechanisms of control imposed by restrictive social policies focused on workfare, on the one hand, and by police surveillance and penitentiary punishment, on the other, form a mosaic that disciplines social categories displaced and forgotten by the system. The incarceration rate in the United States is not only alarmingly high, but also extremely unequal in terms of the profile of inmates. The criminalisation of social problems typically associated with poverty means that non-white, uneducated and poor people constitute a disproportionately large demographic category in the penitentiary system. Poverty is a variable that significantly increases the likelihood of arrest, more serious charges being brought during court proceedings, and, as a result, longer sentences being served (O’Neill Hayes & Barnhorst, 2020). A collective work by the Committee on Causes and Consequences of High Rates of Incarceration shows that inmates “[w]ho are incarcerated in U.S. prisons come largely from the most disadvantaged segments of the population. They comprise mainly minority men under age 40, poorly educated, and often carrying additional deficits of drug and alcohol addiction, mental and physical illness, and a lack of work preparation or experience” (National Research Council, 2014, p. 2). Mass punishment for crimes typically associated with poverty, which in turn is disproportionately more common among ethnic minorities, means that simply being a member of these groups places individuals at an increased risk of incarceration. Data on

the profile of prisoners in 2016 show that 62% of those incarcerated in state prisons did not complete secondary school, 14% experienced homelessness in the year before their arrest, 18% grew up in foster homes, agencies or institutions, and 43% had guardians receiving social benefits (Beatty & Snell, 2021). The experience of serving time in prison (often multiple times) disrupts the social lives of these groups. It impedes improvements in their living conditions, thereby reproducing racial and class divisions. The majority of inmates in state prisons in 2016 (60%) reported having at least one family member with a history of incarceration (Beatty & Snell, 2021). Among the families of men sentenced to imprisonment, there is a growing need for social benefits and an increased risk of financial hardship and homelessness (National Research Council, 2014). These negative consequences can persist even after the prisoner leaves prison, due to the difficulties in finding and maintaining employment associated with having a criminal record. This results in a vicious circle. According to data from the Bureau of Justice Statistics, in 2005, 68% of former prisoners were re-arrested within three years of their release. After five years, this rate rises to a staggering 77% (Durose, Cooper, & Snyder, 2014). The history of imprisonment exacerbates economic difficulties, destabilises family life and increases the risk of recidivism.

The justice system is unfavourable to the vast majority of society and downright hostile to socio-economically marginalised groups. The frequency of arrests for minor offences, the amount of bail and financial penalties imposed, the degree of police surveillance, and the prevalence of prison sentences constitute the reality of communities that have fallen victim to a system that punishes those most in need of help. The influence of conditional social policy, the punitive logic of zero-tolerance and excessive victimisation create obstacles that many find impossible to overcome. One of the primary sources of these divisions and further barriers to the dignified functioning of poor people is the financial costs of legal procedures. The enormous costs of court proceedings are linked to the deregulation and retrenchment of public spending that has been growing since the 1980s, resulting in the transfer of financial responsibility down the socio-economic ladder. Peter Edelman (2017, p. 13) describes this phenomenon as follows: “[t]o understand the new impulse to make being poor a crime, one has to follow the trail of tax cuts that began in the Reagan era, which created revenue gaps all over the country. Deep budget cuts ensued, and the onus of paying for our justice system—from courts to law enforcement agencies and even other arms of government—began to shift to the »users« of the courts, including those least equipped to pay. Poor people’s inability to pay the bloated fines and fees continues to criminalize their poverty in an unwinnable cycle”. Therefore, the bias of judicial decisions is deeply rooted in market logic and the pressure to raise funds to finance further activities. Due to budget cuts aimed at reducing government spending on the public sector, municipal courts have become largely dependent on fines imposed in criminal proceedings. Monetary penalties, the most common form of judicial punishment, constitute a disproportionately greater barrier for the poor. For relatively well-off individuals, minor offences punishable by a fine are, at most, an inconvenience—in their

case, a ticket for speeding or littering in public will be paid as soon as it is received and quickly forgotten. Their overall financial capacity means that a single ticket does not in any way affect their economic security. Not to mention large corporations, for which fines for (often severe) offences such as fraud, embezzlement or abuse constitute such a small part of the company's profits that in many cases they turn out to be even more profitable than complying with the law (Parenti, 2010). The situation of poor people who are unable to pay fines ranging from tens to hundreds of dollars is even more complicated. For them, the justice system becomes a machine that multiplies costs at every stage of the court proceedings. Of the considerable number of 11.7 million people who will experience a stay in a county or city prison during a given year, 60% have not been found guilty of any offence, and 75% have been detained for a lower-level offence, primarily for minor traffic offences (Edelman, 2017). For the vast majority of them, their stay in prison resulted from their inability to pay the money bail imposed by the court, forcing them to await trial in a detention centre. Although federal regulations stipulate that bail should be set considering factors such as employment, character, financial circumstances and family situation, it is often set at amounts that are entirely disproportionate to the defendant's financial capacity and the seriousness of the offence itself. To pay bail, poor people are forced to rely on bail bond agencies, which cover the bail amount and then formulate a debt-repayment plan for the client. Due to high additional fees charged by the agency itself, many poor people are forced to pay amounts far exceeding the bail amount, trapping them in an instalment repayment system for many years, and sometimes even for life (Edelman, 2017). Every arrest, even if it does not result in a conviction, presents economically marginalised individuals with an impossible choice between imprisonment and debt. The justice system's inherent favouritism towards relatively well-off citizens exacerbates inequalities at the local community and inter-state levels. In states with high poverty rates, the scale of exploitation (due to excessive fines) and imprisonment (due to excessive sentencing) increases disproportionately. This relationship can be illustrated by comparing the states' highest and lowest incarceration rates.

## 5. SAME COUNTRY, DIFFERENT REALITIES: MISSISSIPPI AND MASSACHUSETTS

In summary, poverty and being a part of an ethnic minority are fundamental factors predisposing an individual to experience disciplinary punishment. There is a close correlation between the size of the poor population in a given area and the scale of penitentiary control. For example, the highest incarceration rate in the United States is in Mississippi, where it stands at 661 per 100,000 inhabitants, when taking into account only the data from state and federal prisons (The Sentencing Project, 2025), and 1,020 per 100,000 inhabitants when taking into account city and county jails, migrant detention centres and juvenile detention centres (Prison Policy Initiative, 2025). In the case of the state with the lowest incarceration rate, Massachusetts, these figures are 94 and 241, respectively (Pris-

on Policy Initiative, 2025). This means that the number of inmates per 100,000 residents in Mississippi is seven times higher than in Massachusetts. Furthermore, a significant disparity between the two remains even when comparing the total number of incarcerated individuals, even though the overall population of Massachusetts is 2.5 times larger than that of Mississippi. So how can such an extreme gap between two states within the same country be explained? The answer can be reduced to two complementary factors: the scale of economic and racial disparities within a given state and the implementation of a zero-tolerance crime policy, the severity of which increases with the size of the problem population. The conclusion is therefore as follows: the more prominent the class and racial divisions, the greater the scale of poverty and income instability, the fewer the assistance programmes, the more routine and aggressive the surveillance and punishment policies, and thus the larger the prison population. This simplified answer focuses primarily on political and economic conditions, while ignoring alternatives. However, given the historical changes in the phenomena under study, these factors seem key, as the current asymmetry in the functioning of the penitentiary systems in these two states has not always been so pronounced. In the early 1980s, the number of prisoners in Mississippi and Massachusetts was similar (around 3,000). After 1981, with the redefinition of law enforcement agencies' missions in the spirit of "tough on crime" and the subsequent introduction of the Anti-Drug Abuse Act of 1986, the number began to grow in both states. Over the next decade, incarceration rates progressed at a similar pace. Still, from 1996 onwards (the year of the introduction of PRWORA), the curves started to diverge, gradually widening the gap between the two states. The impact of welfare policy rigorization on the poor population seems to be clear when comparing the evolution of Mississippi's and Massachusetts' prison populations.

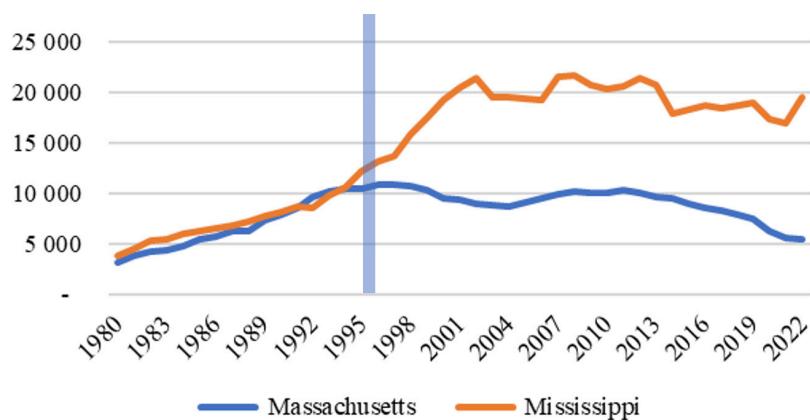


Figure 3. Changes in the trend in the number of inmates in Massachusetts and Mississippi between 1980 and 2022

The data shows an initial parallelism in the number of inmates in Massachusetts and Mississippi, followed by a sudden shift—a rise in Mississippi's prison population and a decline in Massachusetts'. The vertical axis represents the introduction of PRWORA in 1996.

Source: Own elaboration based on The Sentencing Project (2025)

Since 2008, the total number of incarcerated individuals in Massachusetts has been steadily declining and is now half of what it was more than a decade ago (from 10,166 in 2008 to 5,433 in 2022). On the other hand, after periods of fluctuating growth and decline in the inmate population, Mississippi is again experiencing an increase in its prison population (reaching 19,442 in 2022).

The different patterns of change in the number of inmates across the compared states seem to correspond to their distinct economic and racial structures. Poverty is deeply rooted in Mississippi—in 2022, the percentage of the population living in poverty was 18.4%, the second highest in the country (U.S. Census Bureau, 2023). Economic inequalities translate into a number of social problems. Mississippi ranks second-to-last in overall child well-being, based on indicators such as the number of children living in poverty, not attending school, or lacking health insurance, as well as the number of teenage births (The Annie E. Casey Foundation, 2021). Many households struggle with a lack of access to affordable housing, income instability and even food insecurity. There is a persistent income disparity between Mississippi and the rest of the country—the state has the lowest median household income of all 50 states (\$54,915) and no state minimum wage regulations (the federal minimum wage of \$7.25 applies) (U.S. Census Bureau, 2025). At the same time, Mississippi has one of the highest percentages of black people in the country—according to 2020 Census data, it is 36.6% (America Counts, 2021). The Hispanic or Latino population accounts for 3.6%, and the white population for 56.6%. In Massachusetts, the black population accounts for 7.0% and the Hispanic population for 12.6%. The white population accounts for almost 70% of the state's residents (America Counts, 2021). It seems no coincidence that Massachusetts ranks first in median household income (\$101,341) and that the state's minimum wage is \$15. In 2022, 9.6% of the population lived below the poverty line (U.S. Census Bureau, 2023).

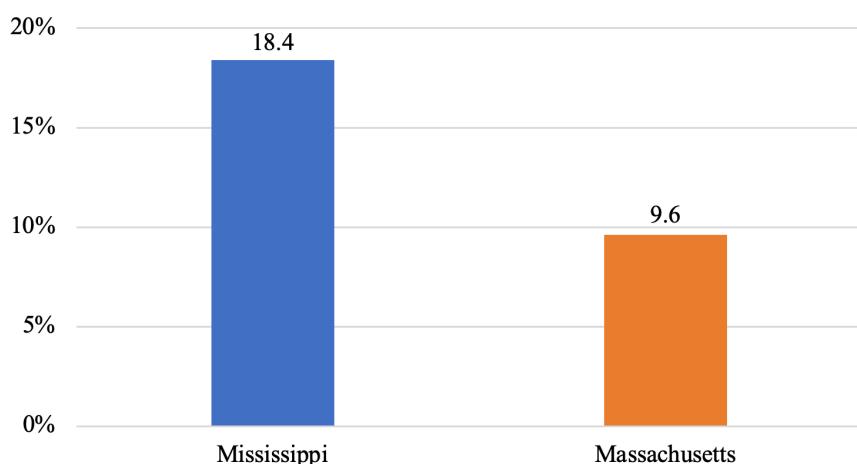


Figure 4. Comparison of the percentage of the population below the poverty line in Mississippi and Massachusetts in 2022

Mississippi had the highest percentage of poor people in the entire country, reaching almost 1/5 of the total number of inhabitants (which is still a significant decrease from the peak figure in 2012, 24.0%) (Bi-

shaw & Fontenot, 2014). Massachusetts ranked among the bottom 10 states with the lowest percentage of poor people, lowering the official national average by 11.5% (Creamer & Shrider, 2023).

Source: Own study based on U.S. Census Bureau (2023)

Material conditions directly affect the quality of social life, including levels of education, access to healthcare and housing, job stability, and mental and physical well-being. The inequalities between Massachusetts and Mississippi are evident in comparisons of virtually all indicators that can be used to measure social well-being, including life expectancy (79.0 and 71.9) (Arias, Xu, Tejada-Vera, Murphy, & Bastian, 2022), the percentage of people under 65 without health insurance (3.0% and 12.4%) (U.S. Census Bureau, 2025) and per capita social welfare expenditure (4,545 USD and 2,320 USD) (U.S. Census Bureau, 2025). Each of these comparisons clearly shows how high economic disparities permeate the social fabric of Mississippi. The lack of pro-social solutions fuels a vicious cycle of poverty, yet attempts to break it do not involve implementing such solutions. Instead, similarly to the era of Jim Crow, they are limited primarily to arrests and persecution. The legacy of the biased political changes of the 1980s and 1990s in the areas of prisons and the judiciary continues to this day, as exemplified by the current quality of life in Mississippi. A comparison of living conditions in Massachusetts and Mississippi illustrates above all that poverty is a political decision. The injustice of deliberately failing to invest in areas essential to healthy social functioning and then punishing communities for being on the margins is systemic cruelty. As a result, the relationship between high poverty rates, the lack of social support, an increased scale of penitentiary control, as well as the structural racism that fuels this link is evident.

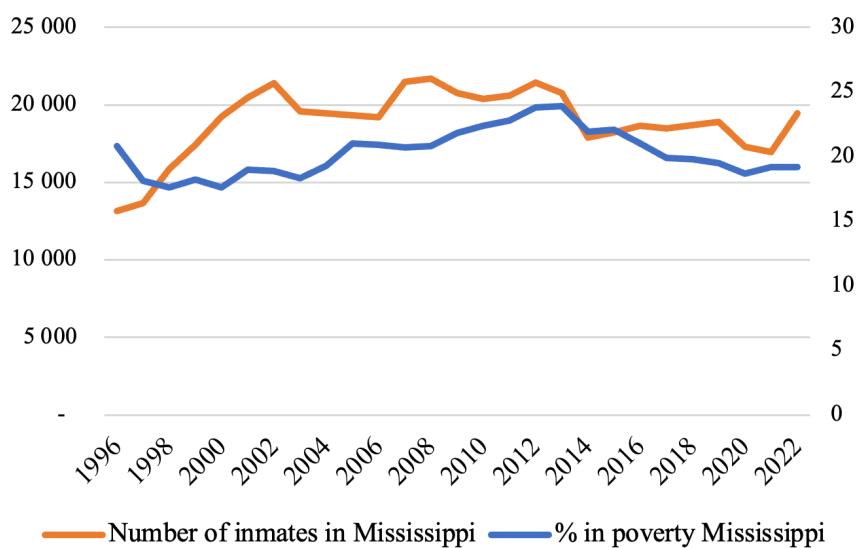


Figure 5. Changes in the total number of prisoners (left axis) and the percentage of the population living below the poverty line (right axis) between 1996 and 2022 in the state of Mississippi  
Source: Own elaboration based on U.S. Census Bureau (2023), Sentencing Project (2025)

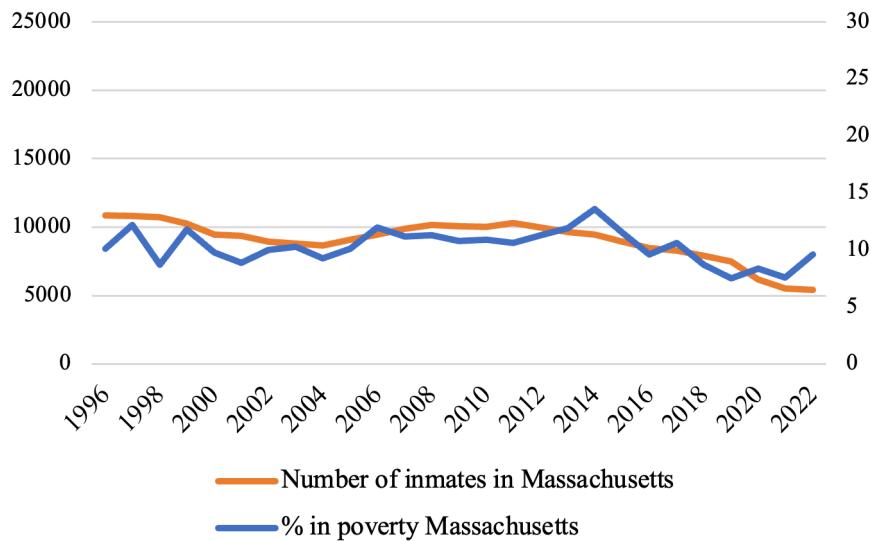


Figure 6. Changes in the total number of prisoners (left axis) and the percentage of the population living below the poverty line (right axis) between 1996 and 2022 in the state of Massachusetts

Source: Own elaboration based on U.S. Census Bureau (2023), The Sentencing Project (2025)

Widespread police surveillance of poor communities, social problems associated with living in urban ghettos without adequate support services, and the racial and class bias of the judiciary contribute to a disproportionately higher number of arrests and prison sentences among the poor. The criminalisation of poverty is a complementary and logical consequence of the political decisions that have led to the corrosion of the state's social sphere and the deregulation of market relations. This set of changes means that social policy, law enforcement, the prison system and the judiciary have all become subject to the same market imperative of maximising profits and efficiency that has come to dominate most sectors of modern states. The phenomena of workfare and prisonfare are inextricably linked and integral to the neoliberal project. The introduction of market logic into public institutions responsible for social security, both in the case of social as well as penitentiary policy, is equally disastrous in its consequences.

## 6. SUMMARY

Workfare, prisonfare and the criminalisation of poverty are inseparable, mutually conditioning and intertwined processes, the manifestations of which infiltrate all spheres of social life. None of them can be analysed in isolation. The restructuring of social assistance in the spirit of conditionality, rigour and professional activation, making cost minimisation and profit maximisation the basic determinants of the effectiveness of social policy institutions, burdening citizens with the costs of court proceedings, the prison bail system, the widespread punishment of individuals outside the wage labour system, and making a high material position not only synonymous with a high political position, but even equivalent to obtaining the right to (partial or total) impunity—all these are further

milestones on the road to the complete renunciation of the concepts of social solidarity, freedom, democracy and equal opportunities. The alarming scale of the current systemic injustice, evident in both social policy and penitentiary policy mechanisms, is primarily linked to the uncompromising adoption of the neoliberal ideological paradigm of what is socially valuable. The ethos of the obligation to work, the norm of competition and entrepreneurship, the emphasis on extreme individualism and private property, and the colonisation of everyday social relations by the model of contractual exchange have become so deeply ingrained in the fabric of collective life that they are inseparable from the dominant contemporary understanding of civil society. State policy, formulated to prioritise the interests of privileged groups of owners and neglecting obligations towards the weakest, treats these categories unequally. In terms of legislation, legal regulations, and symbolic narratives, the state apparatus uses mechanisms that perpetuate inequalities. This manifests itself, among other things, in granting tax breaks to the elites, formulating favourable trade laws, ignoring offences, and promoting the view that their actions positively impact society as a whole. In the case of marginalised groups, these mechanisms take the form of reduced social benefits, paternalism, excessive punishment or denial of access to decent education and healthcare. Based on the status, wealth and race characteristics of given categories, the state apparatus takes action in a spirit of rigour or permissiveness.

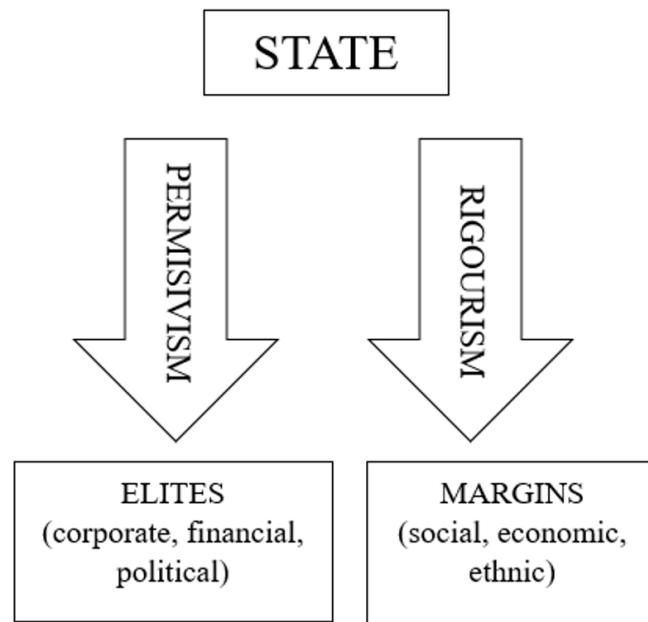


Figure 7. Double standards differentiating the nature of state policy towards extreme social categories  
Source: Own elaboration.

In *Prisons of Poverty*, Loïc Wacquant (2009, p. 158) states that “[t]he grotesque overdevelopment of the penal sector in the past three decades emerges as the necessary counterpart to the shrivelling of the welfare sector, and the joining of the remnants of the dark

ghetto with the penitentiary as the logical complement to the policy of criminalisation of poverty pursued by the country's authorities". An examination of the interactions between social policy and criminal policy shows that the decline of the former leads to the growth of the latter. That restricted access to institutional support means the number of people on the margins increases, and their responsibilities are transferred to prison officers rather than social workers and social welfare services. Carceral inflation is not the result of increased crime or an inevitable side effect of greater national security, as certain mainstream narratives claim. It is an entirely logical consequence of the regulations behind the corrosion of the state social sphere, the spread of market logic and the structural exploitation of black communities (Hinton, 2016). Workfare and prisonfare are therefore complementary political tools for disciplining social categories, primarily the dispossessed poor and people of colour.

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