

**Geoff Wodtke:** Hello and welcome to the Inequality Podcast. I'm Geoff Wodtke. Today we're joined by Joe Soss, who is the Cowles Chair Professor for the Study of Public Service at the University of Minnesota. Joe has appointments in the Humphrey School of Public Affairs, the Department of Political Science and the Department of Sociology, so truly an interdisciplinary scholar. His research examines the intersections of democratic politics, public policy and social inequality, with a particular attention to how social welfare and legal policy shapes the lives of poor Americans. He's well known for his first book *Disciplining the Poor*, which received many accolades, including the Michael Harrington Award from the American Political Science Association and the Oliver Cromwell Cox Award from the American Sociological Association. And he also just published a new book titled *Legal Plunder*, which addresses the extractive aspects of our legal system and its impact on the poor. And at risk of trying to cover too much in one conversation, I'm hoping we can talk a little about both books today. So it's a real pleasure to welcome you, Joe. Thanks so much for joining us.

**Joe Soss:** Yeah, thanks for having me here. It's my pleasure.

**Wodtke:** Much of your research, including your first book examines how welfare arrangements are established, how they evolve over time, and how they shape the lives of the poor. So to give our listeners a little intellectual background in their classic work regulating the poor, which in many ways kind of launched the poverty governance literature, Frances Fox Piven and Richard Cloward offered this account of welfare or poor relief as a mechanism of social control. They argued that welfare expands during moments of lower class unrest, brought on by mass unemployment, food shortages to sort of placate their anger, reduce the chances of social upheaval. And then it contracts once order is restored to kind of reimpose labor discipline. To increase the supply and compliance of workers.

Many features of modern welfare states, they suggest can be traced to kind of early European relief systems that arose in response to food riots in the 15 and 1600s. So kind of against this intellectual backdrop and history of early poor relief systems, you know, I want to start our conversation by asking in what ways you see continuity and perhaps in what ways you see change kind of in this underlying logic of welfare policy is regulating the poor now that we're, you know, in the 21st century.

**Soss:** Yeah, that's a great question. So, and I appreciate the way you sort of set it up, with describing the arguments from regulating the poor, which was a tremendously important book. And there's a reason why later books are called punishing the poor or redistributing the poor in our case, *Disciplining the Poor*. And part of what made Piven and Cloward's analysis was such a landmark piece of scholarship was that they re-conceptualized the welfare state as a kind of secondary institution that was serving the primary institutions of the state market, the quality of the economy. And in that way, these expansions and contractions you're talking about are, you know, what actors at the top of the state need, they need legitimacy. You know, to maintain some sense of legitimacy, they need some stability, same with economic elites, where business

conditions. And so many ways expansions of benefits can prevent disruptions, can quell them once they begin and then once that dissipates, right, the disruptions drive the expansions, then you get the contractions, right, because you got to get people back to work.

There's a second kind of expansion contraction that happens in that second moment too, best illustrated by the classic case of during planting and harvest seasons in the south, they would shut down the welfare offices, right, because the people who owned land didn't need people to work in the fields at other times. So they wanted to have the welfare benefits to sort of keep people going. And then they wanted to shut down to push people in the fields at the other side. So there's all these expansions and contractions. What's the mechanism of that? Well, here we get to an interesting thing. In the 80s and 90s, even the 70s, it was very common for conservatives and also for many economists to say that there are perverse incentives, work disincentives, right, and a lot of liberals push back by saying that welfare is not a work disincentive in some way. That was never Piven and Cloward's argument. Their argument was this is the whole point. In many ways, expansions mattered because like Esping-Andersen and others, they thought of welfare programs as being decommodifying. They give people a way to survive without having to, as they put it, contribute their labor in the meanest jobs for the meanest wages, right, in the worst conditions. And so they're support for labor, right, in some ways. So if that's what's going on, I would say that still goes on today. In many cases, we get pushes for cutbacks, we get pushes. In many ways, welfare reform cut the welfare caseloads. There are many things you can continue to understand. It's still the case that disruptive demands can lead to concessions in the form of expansions of benefits. All of that remains important.

The thing that changed is that the programs themselves became far less decommodifying. In fact, they became disciplinary in a way that was about commodifying. And so you begin to see welfare programs redesigned so that the point is not just to do something very old, which is moral regulation or keeping tabs on people's lives and intervening because you want them to be more like quote unquote Americans or you want them to have certain, you know, you want them to conform to a certain model of sexuality reproduction. You begin to get work enforcement and work promotion. The idea shifts from we want this to be temporary and we want to sort of push you out to work. To the programs themselves working as kind of labor workforce intermediaries, you could say on behalf of the employers. And the idea here is that the programs themselves become redesigned around the idea that people are not working and they're in poverty because they lack the self discipline as the new paternalists like Lawrence Mead put it, that people lack the self discipline to bring their behavior in line with their intentions. They would like to wait to have babies, they would like to work, but they can't get it together. And that they need discipline. And so disciplinary welfare, the idea of disciplining the poor is not to claim that these projects succeed and that everybody becomes happy little workers. Everyone's off, but rather than to understand how welfare programs operate and why they operate that way, and to understand their place in the broader political economy, we have to now understand them as disciplinary operations, not just as decommodifying operations.

**Wodtke:** In disciplinary in a way that's designed to like constitute the workers that employers at the moment kind of demand, is that part of the argument here?

**Soss:** Yes, absolutely. I mean, I can remember in the 90s some of the feminists and women's labor organizations sort of saying they say that moms are not job ready. The problem is that the jobs are not mom ready. So as part of welfare reform, you could no longer count going to college or community college or something as you know, work or as meeting your requirements in the program because it really wasn't about helping people get higher up the ladder. It was about jamming them into the existing jobs at the bottom. And in some cases, it's a pretty horrific work situations actually within welfare programs that were counted as work.

**Wodtke:** So could you walk us through maybe like kind of one particular example of a welfare policy or a reform and welfare policy that was designed or repurposed to kind of discipline the labor supply as you've been describing? Yeah, well, I mean, there are examples from all sorts of programs in the study *Disciplining the Poor*. The program that we were investigating was the WT program in Florida, which was their version of the TANF program. And in that program, you suddenly had all of these new requirements that you had to, first of all, when you started the program, you had to attend classes for two weeks in order to get onto the roles so that you could learn to become what they were, they stopped referring to them as welfare clients. They started calling them candidates for jobs as in job candidates. And you take these classes. If you miss classes, you got to start over again, and then you get your benefits. And then you're being asked to do work. And a lot of this is make work. And here it's important to, I'm actually going to jump over a little bit to the criminal justice side here if I could for a second. Adam Reich, And his really excellent work on penal labor practices and sociology has written about the shift from the old idea that it was hard work was good for people morally, that they would become better people. They would develop better habits. They would become right. It goes back to Weber. And to this idea later, more recent idea, this neoliberal, that actually the point is that market values, market behavior is the good that you're actually after. In other words, it's not just that making someone work will give them good habits as a human being or as citizen, make them dutiful in a general sense. But rather you want to make work inside the prison, approximate as closely as possible, the experience in the market, out of the rest of the world. Because that's the good, right?

And in the same way, these welfare programs became reoriented around the way and not just imposing work, right? And not just pushing people out, but the idea of immersing people in an experience. I mean, to the point where clients were told, when you come to the welfare agency, right, it's a business, it's a place of business. It's a professional place. You can't bring your kids. You can't have any, you know, there's a welfare office. There's four people with dependent children. And so in all of these ways, there was the excellence room and the opportunity room. And there was all of this business, and there were pictures of successful business women who were black women carrying briefcases on the walls. And there were all of these things that sort of were an immersion in this highly marketized kind of idea that this is how you should live your life. And the idea was that we're overseeing you right now. This is a directive and supervisory

program. But you will leave and you will be free to do what you do. But we expect that you will now regulate yourself in a new way. You will self-discipline. And sometimes when I talk to students about this, I give the example of taking statistics in a master's program or a PhD program, like your statistics professor, isn't going to go show up and watch you, right? The idea is that you will be disciplined. And when someone hires you to do this kind of work, they're going to think that you will check for these potential problems in a regression model. You will have internalized this desire to do it. And in the same sort of way, there was this effort to build programs around the idea that the problems were internal.

**Wodtke:** So from TANF to some of the recent policy discussions just this year, tying work requirements now to Medicaid receipt, I mean, do you see a lot of these themes reflected in that debate?

**Soss:** Yeah, it's just the same thing all over again. It just seems to come back and have new lives. And it doesn't matter how many times we've studied it before and shown that these sorts of things don't have the effects that people promise that they lead to many people who desperately need the benefits and are legally entitled to them, not getting them, that all of the problems associated with it always is held up as kind of success stories. Sandy Schram and I wrote a piece at one point about the construction of policy success stories and how welfare reform becomes a story that gets recycled as a success in ways that do great injustice to the actual empirical evidence oftentimes in a way that justifies the next policy round, listening to certain people, not listening to others, believing the certain things work and other things don't.

**Wodtke:** So another argument in disciplining the poor involves sort of understanding poverty governance with an intersectional when. So, you know, I wanted to ask, how should we understand this evolution of policy and its impacts, you know, by way of reference to racial inequality and also gender?

**Soss:** Yeah, I mean, I don't think that you can understand the sort of matrix of inequalities in the United States without taking account of how these different axes of social hierarchies of inequalities matter for the organization of capitalism, for the organization of people's lives more generally, for the organization of social control and the polity. And they really do, there's an interplay of all of them. So we'll say, well, just does race matter if it's white employers and white employees. Well, of course it does because those employees, that employer relation is happening within a broader market within a broader set of power relations. You can't understand why white workers in the South in the 19th century and early 20th century who were being unbelievably exploited by white owners went along with their situation, didn't rise up against it in many cases without understanding how race led them to identify more with their employers who are white than with their co-workers who are black, for instance. And that's the great genius of many people's writings, including W.E.B. Du Bois and others.

But you have to sort of look at the interaction of all these things in order to understand how the policies work and how the broader social structures work. I think in welfare in particular, even if

you go back and look at Piven and Cloward's which is mostly a neo-Marxian sort of analysis in many ways, much of what they write is about how different things are in the South because of race and the history of race relations and the way in which the political economy is built on race differently there than the way it's built on race in the North through the Midwest or the West or whatever. And so I think in order to understand what was happening in welfare programs and why they've changed, you have to understand how they've regulated gender and sexual relations, how they've regulated race and racial domination and all of those things together.

**Wodtke:** And also, I mean, as your pastor's search has shown is how the reforms and sort of the nature of the reforms, the degree to which they're disciplinary in the 1990s during the TANF era, how they differ across states is driven by the racial composition of who's on the welfare roles.

**Soss:** And I think that if you look at that whether it's the state choices about policies, which then the consequence of that when you have states that have higher percentages of black or brown people on the roles, picking tougher rules, well then you have really across the country, you have a legally unequal system where people are participating under different rules depending on, all else equal, on their racial characteristics and backgrounds. And I think that in the same way, if you look at the public opinion dynamics and how support was mobilized in 1996 for welfare reform, you find that some of the most important beliefs that were mobilized to support these really get tough welfare reforms were actually believed specifically about black women and sexual irresponsibility and things like that. So you have to sort of like the idea that we have these competing explanations of race or gender or is it class, you know, there's an old debate at one point that Francis Fox Piven and Linda Gordon had where they talk at one point about the man in the house rule, the old rule of welfare programs that you can be thrown out of the program if you had a man in the house. And Linda Gordon says, well clearly this is about trying to regulate women's sexual lives and impose this sort of, that you're not deserving of getting this *[inaudible]* if you have a man in the house that you're not married to.

Piven says, well, in many cases in our analysis, actually we think that a lot of this was about making sure that whatever support they were giving to the women, it wasn't keeping men from working in the fields and that it's keeping the benefits from being a work relief program for the men. It's about labor. And both of those can be right. I mean, absolutely both of those can be right. Politics and policy in the world is complicated enough for both of your elements of that to matter in both directions.

**Wodtke:** In addition to studying this topic in kind of like an interdisciplinary fashion, I think it's fair to say you're also a methodological pluralist and that you've done both quantitative, work analysis of survey data, sort of historical studies, qualitative studies. So could you tell us maybe just a little bit about your empirical approach to studying poverty governance in the past?

**Soss:** Yeah, so I think that you can learn different things with different methodologies and, you know, different methods. I've tried it in various ways to use different methods, but also to operate in different methodological traditions, whether it's positivist, interpretive, critical, these different

sorts of things. And I think there are people who are purists who believe that you need to do one or the other. I'm not. I'm a pluralist. But I don't think that every method is as good for every question. And I do think that how you approach your research methodologically make certain methods make more sense than others. And so I've often tried to combine in different ways.

A good example is in *Disciplining the Poor*, we have a chapter on performance systems where part of what we're looking at is how the project of disciplining welfare participants, that the bureaucrats become part of the problem in the welfare, the drive for welfare reform. They're just paper pushers and that helps to justify privatization, getting it away from them. But also the idea that there needs to be a new regime that disciplines them. And for both those reasons, you get performance management systems which make it easier to have privatization because now you have a common metric of accountability for the private and the public providers and also is going to bring the front line street level bureaucrats to heel in some sense and discipline them.

And part of what is interesting about this, we had an incredible access to administrative data and so we could look in various ways in ways in which when performance pressures went up, what happened and what happened, for example, to sanctions punishing people, do they get tougher when they were under these pressures to produce more better performance numbers because their performance numbers had fallen or they weren't going to get paid or whatever it might be. And we can show that evidence but that raises these fundamental questions about why? So human beings are in relations to one another, things are in relation to one another. And some people when you do qualitative work, ethnography, we may be trying to figure out what the terms of those relations are. In quantitative work, we measure things on their own and then we connect them not through the terms of the relations but through correlations, right?

So where do a lot of people think about the relations go? Well, they go into theory. There are a model of how the world works in some sense. So for some people, they would look at those correlations that we show and they say, well, we have a model of creaming from economics where we say, well, when they're under a lot of pressure, they're trying to get rid of the people who are bringing their numbers down. So to improve their numbers, they sanction a bunch of people off the program. Well, it turns out all our field research showed that just absolutely wasn't happening. And the best evidence of that was that everybody believed that you brought your numbers down if you sanctioned too much. They were actually worried about the sanctions going up and thought that there were mechanisms built in where there were not, it's debatable, but it was a reasonable inference to make for them that their numbers would get worse if they sanctioned too much. And so now you got a mystery, you got a puzzle that calls for explanation that actually the quantitative analysis raises the puzzle. And so that's what we dug into. And that's what we tried to understand. And the field research allowed us, without going into all the details, the field research allowed us to answer that in the same sort of way. I was doing a lot of the field research, Rich Fording, for that book was doing a lot of the statistical analysis. Sandy Schram and the three of us would have been our weekly standing, called it seminar. We had a weekly standing phone call for years. And Rich would say to me, well, if I was to look at this and

I was to find this or that, what would you make of it? You would never tell me what the results were. And which was maddening. And I would say, well, based on all the conversations I've been having, you know, blah, blah, blah, or he would sometimes say, do you think you could ask something about this? Because I'm sort of looking at this. And then we'd come back a week or two later and I would say, well, here's what I've concluded about this and he said, oh, I'm so glad that that's what you concluded, because that's what I'm finding. And I just, I didn't want to say beforehand. And so we always had this back and forth. I would ask him, I'm hearing this, could you check this out? Right? And they really fed each other.

One more example of that. Yeah. I can remember saying to Rich about the results that he was finding about sanctions that I had heard on the ground that people, one of the issues was that sanction rates went up and people were anxious about them going up because people came in and applied and then never came back. And the way the system registered it was that they would be considered to be sanctioned because they weren't coming back and they weren't coming to their meetings. But they weren't really sanctioned in the way that everybody else had. They had just shown up and then decided not to go forward with the program. So I said to Rich, what happens if you rerun this stuff and you only look at people who are more than, let's say, three weeks out and pass that and sure enough, like a lot of results that were murky started to become much clearer, right? And so you get this back and forth, I think, when you do that kind of work that's really productive.

**Wodtke:** You know, shifting to your new book, you know, you move from kind of studying, you know, how welfare systems discipline the poor into more compliant workers to examining how aspects of the criminal legal system have become what you call predatory or adapted to extract resources from groups entangled in the system and to funnel revenues and to governments and also, you know, private businesses. So I wanted to start by asking, you know, what are the most, in your view, consequential predatory practices of the criminal legal system today? Can you walk us through some like specific examples here?

**Soss:** You know, a lot of this change begins in the mid-1980s and 90s and then there's another burst of growth around 9/11, 2001 and then another one around the Great Recession, 2007, 2008. And during this time, what you have is states and localities, which have primary control over in responsibility for criminal legal governance in many ways in the US. There's a process of policy devolution that, you know, puts all these responsibilities on them at the same time they become less and less able to raise the money they need. They're getting less federal transfers. They are having more constraints put on taxation, their taxation abilities. There's a mismatch between what they can pay for and what they're being asked to do and the costs of criminal legal governance are just rising and rising and rising. Saturation, policing, mass incarceration, the flow of people through courts. These are all very expensive and going nowhere but north. During this time, you begin to have people who control policing and adjudication and punishment and many other things around it, become desperate to find revenue sources to help keep lights on to help sustain their operations. And there's no way to roll back this juggernaut of get tough politics in

the criminal justice area. And in many ways, no other help is forthcoming. People are not going to pay the taxes to do this. They're not going to get adequate. I mean, the amount of money spent on these functions is going up and up and up but nowhere fast enough. And suddenly you get this turn toward how else can we bring in revenue and what do they control. Well they control fines and they can start to create more violations that are finable. They can raise the amounts of fines. They can be more aggressive in imposing them, get our there and ticket more. There are fees of all sorts of things and suddenly you begin to have fees attached to every sort of thing you can imagine when you go to court. There are fees for paper.

There are fees for, I mean, we mentioned in the book a case of a guy in Allegheny, Pennsylvania who is charged with stealing some retail goods worth \$121. He winds up being sentenced to pay restitution of \$121. But then in addition, \$1,500 worth of fees which go to many agencies that have nothing to do with his case or even from a legal governance, their fees all over the place and fees in jails and prisons, pay to stay fees. People are suddenly forced to pay for their own incarceration or their own parole in part to pay for medical services, pay in commissary for things for very inferior goods and very inflated prices. Really, even basic health care needs like menstrual pads become subject to fees, constitutional rights of citizenship like a jury trial or public defense continue to be a right, but they get translated from a constitutional right of citizenship into a consumer right to purchase if you can have the money or can take on the debt.

**Wodtke:** Has that been challenged in court that the fees attached to public defender representation?

**Soss:** Yeah, And the argument is that you're not being denied access to it. You simply have to take on debt and absorb some of the cost of it. So it's not a denial of your constitutional right. But in some cases, they have brought in ability to pay restrictions in those. Those are very difficult though because I mean, first of all, almost everybody who's there likes the ability to pay. I think 80% of people who wind up in pre-trial detention are poor enough to qualify for public benefits. Means that's the public benefits.

And then the other part is oftentimes it's very onerous. So they say, well, we're going to you know how to pay if you can prove your inability to pay. Well, if you're living on the street, if you're, you know, how are you going to have the proof, the kind of documents needed to do the burdens on the individual to prove that.

**Wodtke:** I mean, to put like a monetary figure on it, like, like how much are these fees generating for like a state or a local government?

**Soss:** Yeah. So at the national level, nobody knows entirely. And the reason is that what we know about nationally depends on what we care about gathering data about and what we want to have documented. And so there's no uniform basis of reporting. A lot of what we have to do is, is cobble together state and local reports on their own terms and those sorts of things. But in many cases, you know, we can see that there are very substantial revenues coming in. I mean, here in

Chicago, auto related practices alone that involve impoundment, involve ticketing, involve red light cameras, all of which are disproportionately concentrated in impoverished communities that are predominantly black, brown and immigrant. Those auto related revenues coming in alone count for 7% of the city's total budget, right?

Which is, I was in an academic department once where we were told we had to make a 7% cut in our budget. And it was treated as catastrophic. So, these are not, this is not a small amount. And that's just that little corner on it. Everywhere you look in the system, you find phone calls and telecom services or in prisons are multi-billion dollar industries. You find that banking account services in prisons, again, multi-billion dollar industries, bail bond services, again, on and on and on. And so this is across the spectrum of the whole, in every corner of the system, really. There are some examples where debts are imposed and because people are very poor, they're hard to collect. But, in many cases, people are having to pay up front or their assets are being seized directly. And so there's no need to pursue debt collection. And in many cases where there is debt collection, they can be extremely aggressive and creative in even shutting people's utilities off until they pay or some people are imprisoned because they haven't paid their full debts off. So it is very lucrative. It's a lot of revenue.

**Wodtke:** So I mean, maybe some of the impacts of these policies on the poor obvious, right? I mean, if you take people that are already entangled in the criminal legal system and then charge them a fortune just for marching through the process for accessing basic services. If they're incarcerated and saddled and with a bunch of debt, it's going to make their lives even more difficult than they already are. But I wonder, I mean, could you walk us through some of the impacts that maybe might not be immediately apparent, maybe on family members or?

**Soss:** I think this is a really important question you're asking because there's a lot of things that aren't immediately apparent. These weren't to be. Some of these things are more apparent to people who are living in targeting communities. But for people who haven't experienced this, first of all, people who experience these consequences, it's a mistake to think of that as the individual who's criminally entangled in the criminal legal system. They're really more like an anchor point for an operation that siphons money out of the community, right? And the important thing here is for that individual and for other people who contribute the funds that they need. All of these predatory practices tend to set cascades of hardships and crises into motion. You get a fine, then you can't pay at all. There's interest. You get fees on top. You might get pulled into court. There are more criminal legal entanglements that come from that. You get charged. You go into the expensive world of the bail industry. You come out of that and you go to a prison. You might, you know, all of these things. There's sort of one thing layered on top of the other. And then you find yourself in this perpetual debt and payment trap in many cases.

But a lot of times the people who are paying these bills are not the same people as the individuals who are in jail or in prison or whatever it might be because they don't have any money. And so the people who are paying are out in the community. So these effects, then, you know, the child,

the juvenile, who is sent to a juvenile detention center incarcerated there. All of this financial burden falls on their parents and there are other children in the family who are then deprived of those resources who are now living in this much more difficult situation. All of these consequences that ripple outward and particularly, I would say, in the social and economic effects, the gender analysis is really important here that it's older women, particularly, but women in general in what Vesla Weaver and I have called race class subjugated communities, impoverished communities of color in many ways, you know, who bear the heaviest burdens here. They're the ones who disproportionately are paying the costs. They're the ones who are, you know, taking on debt to support their loved ones who are incarcerated. They're the ones who are co-signing for bail bonds. They're the ones in many cases who people in these industries are targeting because they assume they will feel obligated to care for their son or care for their daughter or a spouse or whatever it is, the sort of societal organization of caring relationships around gender, right, sort of plays out here as a structure of extraction.

**Wodtke:** So, I mean, some of the, like, extractive dimensions of the criminal legal system are not new. And I ask you about sort of continuity and change with respect to welfare policy. I wonder if you could say a bit about whether or not sort of the current predatory practices that we've been talking about are sort of a continuation from the past or an adaptation or something new entirely given like the history of the system in the US.

**Soss:** Yeah, so that's great. So, I think that throughout US history, throughout American history, prior to the United States, there have been predatory projects that have sort of subjugated, excluded, and then leveraged that to sort of force people into extractive relationships. Oftentimes scholars call this predatory inclusion. It's the idea that when you're denied access to banking services, you're not simply harmed by the exclusion that's involved there. You're also sort of produced as right targets for incorporation and inclusion into predatory lending operations, cash checking, pawn shop loans, all of that stuff, right? And so that's the cycle of sort of predatory inclusion. And if you go back, you can say, well, the country's foundational predatory projects, leveraged conquests and subjugation and exclusionary containment and all sorts of things to extract labor and land in projects of slavery and dispossession.

You can then look in the post-Civil War era at chain gangs and convict leasing systems and debt peonage and all sorts of different activities, prison industries in the North and Midwest that really are, if you think about all of those, what they have in common is they're based on labor. They're based on labor extraction and particularly labor extraction, extraction of labor from people who are convicted. Well, what changes in the 80s and 90s is sort of the financialization of all of this, what we call a financial turn, such that now there are still some labor practices, labor extractive practices. They still persist in many ways, but they're really dwarfed in scale and what's generated, what their consequences are, scope by these practices that rely on financial charges, debts, collections, seizures, all of that. If you think about this, it's kind of amazing, it relates directly to what I was saying before in that labor is something that you can take from people who you have control of, the individual who's incarcerated.

But, think about the expansion that's involved with financialization. Now it's not just something you can do when you have carceral control of someone, when they're detained, you can do it at every point in the system from pretrial to policing out in the community everywhere you can extract in this way.

**Wodtke:** Or even just speed camera mounted in an intersection. Very efficient. Fine, shows up in the mail.

**Soss:** That's right.

**Wodtke:** Maybe a human is never even involved in that.

**Soss:** That's right, very efficient. And then second of all, you can extract from everybody else in the community who's tied to this person, not just the person that you have. So expansion through the system, criminal legal system, expansion into broader community resources.

And the third thing is temporal expansion, right? Because now you can, these are, by definition, poor communities don't have much resources. So what you can do is you can use debt to expand over time to claim resources that they don't even have yet through construction of debt. And so there's this massive expansion that comes with financialization that is really, centrally about, you know, the core differences between labor and finance capital.

**Wodtke:** So maybe this is me weaving connections between your research and *Disciplining the Poor* and *Legal Plunder* that aren't actually there. But I'd like to hear what you have to say. I mean, it seems like there are potentially, you know, disciplinary dimensions to indebtedness. And that this has implications for like, you know, some of what I study, like social mobility, upward mobility out of poverty. If you come out of prison, saddled with debt, right, that could make you a more compliant worker. It could make you stay in a, you know, a bad job for a much longer period of time because you have those financial obligations. And, you know, harder to, you know, sustain a prolonged job search or to explore other options. It could even give employers a degree of leverage over you if they know, right? Like you have these payments hanging over your head. And so I'm curious. I mean, do you see a connection there?

**Soss:** Absolutely. Absolutely. I think that welfare reform was a fairly, wasn't a usually explicit disciplinary project. People were saying out loud the new paternalists, in particular, you know, people like Lawrence Mead and the Academy. And then a lot of public officials were saying we need to redesign these programs so that people are just getting a check. And so that they're being transformed in some sense and being transformed into disciplined workers. And that sort of thing. I think here, in the case of debt, with labor practices, you see a bit more of that in the criminal justice side. So like reentry programs that force you to work as the first thing when you come out and with reentry or community supervision programs in lieu of going to prison or something like that. Those may be more in that disciplinary way that way. The stuff you're talking about, I just think it's important to say I don't think the debts are being imposed and the extractions happening, in order to accomplish that discipline.

**Wodtke:** But it seems like it's potentially a residual side effect.

**Soss:** But it is no less of a consequence for that. Yeah, it would be my point. People write about this outside the criminal legal context. It's not limited to this. But in traditional labor exploitation, right, exploitative wage relations for Marxist for example, it is the, it is holding control of the means of production and being able to employ someone that allows you to extract value from their labor, right?

But the debt relationship has always meant that you don't have to have an employment relation with them. And so in an era of financialized capitalism where people are investing in finance in all sorts of ways, there's something very attractive about being able to generate value and wealth from people's labor without employing them and paying them a wage. And debt does that, right? So long as it's enforced in some way. Across our society, the explosion of debts as people have had to shoulder more burdens and more risks individually rather than collectively. And as wages sort of stagnated, people have massed incredible debts that now weigh on them and lead them to take second jobs or lead them to fear giving up their job to pursue something better, make it impossible for them to take time off to try to get credentialed to do something else, making those debt payments becomes a constant prod.

**Wodtke:** We're at the policy school here, so I'll conclude with a policy question. I mean, given everything we've discussed, I mean, what are the policy changes or reforms, do you think are kind of most important to dealing with some of the problems generated by the predatory aspects of the criminal legal system? Or are there changes underway now that might point the whole country in a better direction?

**Soss:** Yeah, so I think that part of the reason we wrote this book is because I do think that it's a great example of how not understanding the nature of the problem can lead well intentioned reforms to not be helpful. We live in a polity in which sort of liberals and Democrats tend to focus much more on the corporate green side of this and the private side. Libertarians and conservatives tend to focus much more on state overreach and state taking, so a big government taking your property and things like asset forfeiture.

**Wodtke:** Here they can come together.

**Soss:** Yeah, and here there is really a predatory public-private partnership. And so you get some people who say we got to get rid of commercial bail. Well they're not sort of thinking about this as a partnership and in fact, in many cases when you get rid of commercial bail, which is a good thing, I would say for justice, that actually in many cases governments are perfectly willing to take over extracting money for bail. And or people wind up getting detained and not being allowed to leave pre-trial detention at all, which is a horrible thing for people's lives. And so you have to sort of like understand this is happening on both sides there. In many cases we study, it turns out that the actors who are extracting are incredibly creative and adaptive when reforms happen. So we have to really think about how the whole thing works.

I would say there are some reforms that are unalloyed goods like efforts to stop states from revoking people's drivers licenses when they have unpaid debts, which prevents them from fulfilling their parental obligations, prevents them from getting to work reliably, prevents them from doing all sorts of things, and ultimately puts them at greater risk when Philando Castile was killed by a police officer in the Twin Cities in Minnesota where I'm from where I live. He had 82 citations before that for \$7,000 worth of debt, all for small stuff, tail light or allegedly a seat belt, but half of those 82 citations were for driving with a suspended license that was suspended because he couldn't pay off his debts. And so and then he was killed in one of those stops eventually. So I think there are those sort of things.

Then I think there are some sorts of reforms that really reduce the footprint of what's going on like trying, like here in Illinois getting rid of cash bail across the board, huge victory, limiting asset forfeiture in some ways that have been done. They're great sort of reducing the footprint, reducing the capacity to do this. And then I think there's also some risk of what abolitionists call reformist reforms, where instead of taking on the practices as a whole, you try to take some of the most sympathetic victims and give them special protections to reduce the outrage. And in a sense, slows down momentum toward demanding more systemic change by getting rid of little, little edges that upset people the most or something like that. And we have to be careful about not just accepting whatever we can get in terms of reforms in ways that leave most people behind.

**Wodtke:** Is reform harder in this particular case, do you think, because it sort of requires state actors to cut themselves off from a revenue source? And so it's not just ending one practice. It's also finding a way to plug the whole you've just created.

**Soss:** Yeah. I mean, in the book, Josh and I argue that you can't fight this as a as a common punishment issue. Part of the framing of it as predation is to connect it to public finance and those broader issues, and privatization. And ultimately, we have to fund our governance. And we have to do it in some way. And within my lifetime, and many people's lifetimes, we did not fund criminal legal governance in this particular way. If we want to not fund it in this way, I'm not saying we need to go back to some imagined better period. There were horrible problems back then too. But we can, and I hope will, develop systems of public finance that will allow us to abolish these kinds of practices. There's no way to do it without funding things in some other way.

Now, some people would say who are police and prison abolitionists, well, you don't need funds if you abolish all of this in some ways. And that's correct in some respects, although I would argue that you're going to need something for public safety and that's going to require, or if you want to, some people who are abolitionist, we want dividends to, we want this to be invested in social welfare investments. If you want to do that, you need the funds. And so all of that requires finding some other funding source. And I think to deny that is, is again, to misunderstand the reality of what's happening here.

**Wodtke:** Well, very interesting book and a great discussion. So thanks so much again for being here.

**Soss:** Yeah, thank you so much. My pleasure.

**Wodtke:** The Inequality Podcast is a production of the Stone Center for Research on Wealth, Inequality and Mobility at the University of Chicago. I want to end the podcast by giving thanks to the people who really make it happen. First, I want to thank our producer and engineer, Shane McKeon. Second, I'd like to thank our assistant director, Nina Gray, for production oversight and doing so much to bring the podcast to life. And lastly, our executive director, Grace Kolavo, for her support, not just for the podcast, but for every activity at the Stone Center. You can get in touch with us at [stonecenter@uchicago.edu](mailto:stonecenter@uchicago.edu). Thanks for listening.

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