

# “Either You Do It or You’re Going to the Box”: Coerced Labor in Contemporary America

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[journals.sagepub.com/home/crs](http://journals.sagepub.com/home/crs)**Erin Hatton**

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**Abstract**

In recent years the problem of precarity has become the primary focus of both popular and academic accounts of work. Yet precarity is not the only troublesome feature of the contemporary economy. In this article I show that coercion—rather than precarity—is central to an array of work relations in the US, including prison labor, workfare, foreign guestwork, undocumented labor, and more. Through ground-level case studies of prison labor and workfare, I examine workers’ experience of labor coercion. I then build out from this empirical analysis to theorize the structure of coercive labor regimes and their relationship to precarity. Coercive labor regimes, I argue, are those in which employers have state-sanctioned power over workers’ well-being, families, and futures—a power that I call “social coercion.” This analysis thus identifies a new arena in which the “ambidextrous” neoliberal state operates in America today.

**Keywords**

coerced labor, prison labor, neoliberalism, sociology, work, workfare

**Introduction**

The worst thing about working while incarcerated, I would have to say is, well, pretty much being forced. You’re *forced* to do that work ... Like, you have no say-so. Either you do it, or you’re going to the box. Either you do it, or you get your ass whooped and *then* go to the box.

So, it’s really like—they rule with an iron fist ... You *can* rebel, but there’s still going to be the same result.

—Garcia,<sup>1</sup> 27-year-old incarcerated worker

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In recent years, the problem of precarity has become the primary focus of both popular and academic accounts of work, and with good reason: studies show that precarious employment has led to increased instability, insecurity, and vulnerability for a significant and growing population of workers (Kalleberg, 2011; Standing, 2014). Yet precarity is not the only troublesome feature of the contemporary economy. As this article shows, coercion—rather than precarity—is central to an array of work relations in the US, including prison labor, workfare, foreign guestwork, undocumented labor, and more. For instance, as Garcia describes above, prisoners face a Hobson’s choice between work and solitary confinement: “Either you do it, or you’re going to the box.” Thus, for Garcia, the fundamental concern is not whether he will lose his job or work enough hours in a week, as it is for workers in precarious jobs. Rather, it is what will happen if he refuses to comply with employer demands. For Garcia, it is this type of Hobson’s choice that makes prison labor coercive and, although prison is a unique institution, prisoners are not the only workers whose bosses have access to such coercive power.

In this article, first I examine labor coercion through ground-level case studies of prison labor and workfare. Drawing on 83 in-depth interviews with incarcerated and workfare workers in New York State, I analyze the technologies and consequences of coercion for workers in these labor relations. Despite differences between them, I find that workers’ supervisors in both cases have access to expansive punitive power—the power to harm workers’ wellbeing, families, and futures. As a result, even though these workers sometimes resist employer demands, they generally acquiesce. Thus these labor relations produce productive yet compliant workers (Foucault, 1977), not only for their own use but also for the broader precarious economy.

I then build out from these empirical cases to theorize the structure of coercive labor regimes. To do so, I draw from secondary literature to identify where else this type of labor coercion occurs. Thus I move from prison labor and workfare to foreign “guestwork” and undocumented immigrant labor. In all of these labor regimes, I find, employers’ disciplinary power extends beyond the capacity to threaten loss of work—or economic coercion—which is the primary coercive power available to most employers. Rather, employers in these regimes have access to a variety of legal but highly punitive sanctions that threaten workers’ wellbeing, families, and futures more broadly. Such sanctions constitute a unique form of employer coercion, which I call “social coercion” and which, I argue, is the defining feature of these coercive labor regimes.

I then consider how accounting for coerced labor both complements and extends the precarity paradigm that characterizes current scholarship on labor and work. By delineating this stratum of labor coercion, I argue, this analysis identifies a new arena in which the “ambidextrous” neoliberal state operates (Peck, 2010). For, as scholars have noted, American neoliberalism has not only entailed state contraction but also state expansion—a strategic shrinking of government combined with a surge of authoritarianism (Alexander, 2012; Peck, 2010; Wacquant, 2009). Thus precarious and coerced labor regimes can be conceptualized as two sides of the same neoliberal coin. While the former is associated with state withdrawal from some categories of employment through de- and re-regulation, declining labor standards, and de-unionization (Kalleberg, 2011), the latter involves the opposite: the insertion of punitive state power into other categories of employment, particularly those associated with mass incarceration, welfare retrenchment, and the criminalization of immigration (Wacquant, 2009). Not only are coercive and precarious labor relations two products of the same neoliberal project, they are also connected in a more concrete way, as coercive regimes produce diligent-yet-docile bodies for future membership in the low-wage “precariat” (Standing, 2014).

This article thus contributes to the scholarship on political economy in multiple ways. At the broadest level, by identifying labor coercion as a contemporary mechanism of labor governance, it challenges contemporary assumptions of coercion as an atavistic economic phenomenon. At the

same time, it offers much-needed nuance to the precarity paradigm, revealing how other modes of workplace control have flourished in this era of neoliberalization.

## Coerced Labor

There is a rich and broad literature on historical forms of coerced labor. Indeed, though Marx (1992 [1906]) argued that physically coerced labor was rare in advanced capitalist economies, scholars have since pointed to the long-term existence of bonded labor, slavery, and other forced labor regimes to show that physical coercion was neither a pre-industrial relic nor incompatible with advanced capitalism (e.g., Brass, 1999; Evans, 1970). In fact, as demonstrated in studies of US slavery, this system of forced labor was a driving force behind America's emergence as a modern, industrial, capitalist economy (Baptist, 2014; Lichtenstein, 1996). Then, even after slavery was abolished and free labor was supposedly universalized, coerced and forced labor persisted in multiple forms, including sharecropping, debt peonage, indentured servitude, and prison labor (Blackmon, 2008; Lichtenstein, 1996; Ngai, 2004; Oshinsky, 1997). Indeed, at that time even ostensibly "free" labor was often coerced through employers' use of criminal sanctions to enforce employment contracts (Steinfeld, 2001).

In the literature examining labor coercion in the present day, there are two strands of research: one that focuses on trafficked, forced, and enslaved labor in and from the Global South (e.g., Shelley, 2010; Strauss, 2012) and another that analyzes the coercive components of traditional waged labor (e.g., Ezorsky, 2007; Wright and Burawoy, 1990). In the first case, coerced labor is understood to be a fundamentally transnational phenomenon, emerging from the convergence of globalized labor markets, increased labor mobility, labor market de- and re-regulation, labor flexibilization, and rigid migration regimes (Strauss, 2012). All of these forces intensify workers' vulnerability to exploitation—which can be extreme—leading some observers to call such labor "modern-day slavery" (e.g., Bales, 1999), though this use of the term "slavery" is strongly contested (e.g., O'Connell Davidson, 2014). In the second case, scholars draw on Marx's (1992 [1906]: 769) insight that all wage labor is based on the "dull compulsion of economic relations" to highlight the coercive elements of standard employment. In this vein, some scholars identify coercion as one of multiple strategies that employers use to generate labor effort (e.g., McKay, 2006; Wright and Burawoy, 1990), while others argue that the economic coercion that pervades all work—especially in the low-wage economy—constrains workers' freedom and renders their labor coerced (e.g., Ezorsky, 2007).

All of this research has deepened and broadened scholarly understanding of labor coercion, past and present. However, because this literature is relatively siloed, it might lead readers to conclude that coerced labor is, variously, a historical relic premised on regimes of extreme racial violence and subjugation, a contemporary product of globalization and transnational labor migration, or a customary component of capitalist labor relations. The present article draws from each of these literatures while also departing from them to argue that labor coercion is not only a thing of the past, an import from the Global South, or a universal characteristic of "bad" jobs. It is also a distinct system of labor governance in America today, one that is both legally and culturally legitimate. By defining its parameters, moreover, this article operationalizes the very meaning of labor coercion, thereby lending it greater applicability across categories of work, historical eras, and geographical boundaries.

## Prison Labor and Workfare

Historical research on prison labor reveals that the penal system was used to recruit, control, and subjugate African Americans after the Civil War. At that time, in fact, prisoners experienced some

of the worst working conditions in American history and, even as their treatment improved over time, prison officials continued to use severe discipline and punishment to maintain control over their bodies and labor productivity (Blackmon, 2008; Lichtenstein, 1996; Oshinsky, 1997).

In research on modern-day prisoners, however, scholars generally eschew analysis of them as workers to focus on the criminal justice system as a whole, examining mass incarceration as a key system of racial control and institutionalized inequality (e.g., Alexander, 2012; Western, 2007; but see, Hatton, 2018; Zatz, 2009). Though this analysis is of utmost importance, it should not be overlooked that most prisoners in this era of mass incarceration perform labor. In New York State, for example, all able-bodied individuals of its approximate 54,000 state prison population are required to work (DOCCS, 2013) and, although national data are not available, it is estimated that the same is true of America's roughly 2 million inmates in state, federal, and private prisons (Benns, 2015).

Though prison labor has not been examined as a modern system of racialized and gendered labor governance, workfare has. Scholars have shown how this raced and gendered institution has been deployed to deter welfare claims and reinforce labor discipline (Piven and Cloward, 1971; Quadagno, 1996; Wacquant, 2009). Though workfare seems to be decreasing (along with welfare caseloads generally) since welfare reform in 1996, reliable numbers of workfare workers are difficult to calculate due to the transience of the welfare population, the significant number of recipients sanctioned or not working enough hours to be counted in federal data, and the multitude of "work activities" they are required to perform, of which "work experience"—or "workfare"—is only one (ACF, 2015; OFA, 2016; OTDA, 2011). Nonetheless, reports suggest that more than 42,000 people nationwide (and over 6000 in New York) participated in narrowly-defined "workfare" each month in 2013, out of the more than 497,000 Americans (and 107,000 New Yorkers) who engaged in "work activities" broadly construed (OFA, 2016). Yet it is also worth noting that, among only those heads of households receiving Temporary Assistance for Needy Families (TANF) grants, more than 77,000 people in the US—and over 7000 in New York—were sanctioned from public assistance for work-related reasons for some part of that year (ACF, 2015). Therefore, in New York at least, more people were sanctioned from welfare for work-related reasons over the course of the year as performed workfare each month.

Thus, taken altogether, scholarship on workfare and prison labor has highlighted the historical and contemporary dimensions of these institutions and the workers who labor within them. Yet, in such research, each is examined in isolation—if at all, as in the case of contemporary prison labor. As a consequence, each of these groups can be mistakenly understood as a unique product of its historical moment and institutional context: the marginality and legal vulnerability of workfare workers might be mistakenly attributed solely to neoliberal economic reforms and welfare retrenchment, and that of prisoners to the racialized regime of mass incarceration. Though this article recognizes neoliberalism and mass incarceration as crucial forces shaping each of these distinct labor systems, it also finds coercion to be a key point of intersection between them, as well as to other seemingly disparate categories of labor.

## Data and Methods

For this study I interviewed 41 recently-released prisoners about their labor in New York State prisons. While in prison, they worked three to six hours a day, typically in facility maintenance and utilities—cleaning, cooking, and upkeep—earning \$0.12–\$0.25 per hour. They were recruited from a variety of reentry programs in Buffalo and Rochester, NY—a recruitment method which, I believe, did not introduce any significant selection bias because prisoners are typically assigned to such programs upon release. In fact this recruitment method likely decreased selection bias because, my respondents said, had I interviewed prisoners behind bars, only those from the "honor block"

would have been selected by prison officials for my study. Even more importantly, they said, they could be more forthright outside of prison.

I also interviewed 42 current and former welfare recipients about their labor in exchange for public assistance, as recruited from workfare sites and community advocacy organizations in Buffalo, Rochester, and New York City, NY. Most often, they perform (or performed) janitorial or administrative work, whether in government offices, nonprofit agencies, public parks, or subway stations. The benefits they receive in exchange for this labor are generally meager—some combination of cash benefits, food stamps (now SNAP), rental and/or utility assistance, and childcare support during work hours. Although such benefits are not legally construed as “wages” (but see, *Matter of Walter Carver v. State of New York*, 2015), the sum of an individual’s cash benefits and food stamps divided by the number of hours worked is required to comply with the federal minimum wage (*Stone v. McGowan*, 2004).

Thus, for both of these groups, I focus on their experiences in New York State, which is an ideal site for this analysis. On the one hand, New York’s prisons and prison practices are neither particularly extreme nor controversial: unlike many other states, New York does not have (the often notorious) privately-run prisons; its prison conditions have not been deemed in violation of prisoners’ constitutional rights, as in California; and the State pays prisoners for their labor (however minimal), in contrast to states such as Georgia and Texas that do not pay them at all. In short, New York represents a middle-of-the-road case of prison labor. On the other hand, New York has been a national leader in its implementation of workfare and is therefore an ideal site to investigate the nature and consequences of this labor regime for workers.

The demographic profiles of the two sets of workers I interviewed broadly reflect their larger populations, though they are somewhat skewed by the urban sites from which they were recruited. The set of 41 incarcerated workers is 88% male ( $n = 36$ ) and 12% female ( $n = 5$ ), with an average age of 33 (median = 27). Thirty-four respondents (83%) identify themselves as non-Hispanic African American or Black; three as Hispanic ( $n = 1$ ) or Black and Hispanic ( $n = 2$ ) (totaling 7.3%); and four as white (9.7%). They spent, on average, seven years in state prisons, ranging from six months to 39 years (median = 3.5 years). In comparison, the New York State prison population of that year (2013) was somewhat more male (96%), older (average age = 37), less African American (50%), more white and Hispanic (each 24%), and had spent a longer time in prison (average = 10–11.7 years) (DOCCS, 2013).

As compared to the incarcerated workers, the workfare workers in this study are predictably more female (74%,  $n = 31$ ) and older (average age = 40, median = 36). Yet their race/ethnicity is broadly similar, with 34 respondents (81%) identifying as non-Hispanic African American or Black, four as white (9.5%), three as Hispanic ( $n = 2$ ) or Black and Hispanic ( $n = 1$ ) (totaling 7.1%), and one as Native American (2%). In comparison, the 2013 New York State adult TANF population was somewhat more female (87.7%), younger (48% aged 20–29), less likely to be African American (39.8%), and more likely to be Hispanic (33.5%) or white (21.1%) (ACF, 2015).

In interviews with these 83 workers, I asked open-ended questions about the nature of their work—their job tasks and schedules, their pay and benefits, the positive and negative aspects of their jobs—as well as whether they encountered any problems at work and, if so, how they handled them. Interviews lasted 30–90 minutes; each respondent was offered \$10 in compensation (one declined). Interviews were digitally recorded, transcribed, and analyzed using Atlas.ti to identify organically-emerging themes across respondents and categories of work. “Coercion”—an umbrella term for supervisors’ punitive powers—was ultimately one such theme, for I had not set out to study it. As I analyze these workers’ experiences of coercion below, it should be noted that, even though their individual experiences are unique, the nature of their experiences is not. I only present data with high levels of saturation across respondents.

## Incarcerated and Workfare Workers' Experiences of Coercion

For prisoners, the knowledge that they may face significant consequences if they do not comply with their supervisors' demands pervades their labor. As 31-year-old Qwon says:

We know that they got the power of the ticket, we don't want our privileges gone. We don't want to be locked in our cell 24 hours a day. We don't want to not be able to go to commissary and eat what we want to eat, or use the phone to contact our loved ones when we want to. So, we tuck our tail, you know, grown men, you got to handle it ... Because they got the say-so. We don't have no union, so we subject to tolerate a lot more.

Although, as Qwon says, these workers "tuck [their] tail" most of the time, they also regularly challenge their coercion. As Garcia says at the start of this article, "you *can* rebel"—and they do—even though "there's still going to be the same result." Though such acts of resistance themselves are worthy of analysis, here they serve as an entrée into these workers' experiences of coercion. Thus, in this section, I focus on the push-and-pull of defiance-and-discipline, as it reveals in high relief the coercion they face.

As a porter in prison, for example, O.T.I. says that he refused multiple orders to clean blood, urine, and feces. Though other incarcerated workers had been specially trained in biohazard clean-up for such jobs, this 27-year-old African American man had not. "I was asked to clean urine and feces off of a floor," O.T.I. says.

I found that inappropriate and I suggested that they find someone that's in that area [of biohazard waste]—you know what I'm saying?—because of the HIV. Sometimes, they ask us to clean up blood from another inmate, which is very hazardous, and they just give us some tissue and some infector and say, "Here, clean this up."

Because he refused a direct order, O.T.I. says that he got a \$5 ticket—a fine which amounted to one month's pay—and was put in solitary confinement. "If you refuse an order," he explains, "you can go to the box. So, I got a ticket for refusing an order and I went to the box in that situation. But I guess they've seen the situation, they let me out in a week. They gave me a break. I could have been in there for 30 days," which would have been the typical sentence for such an infraction he says.

Unlike O.T.I., Bruce says that he did not get such a "break" when he refused to clean up feces as part of his porter job. "I mean we're just talking about *feces*," this 23-year-old African American man says with disgust. "I'm not going to clean no feces. I don't care what gloves you give me." As a consequence, he was put in solitary confinement for 30 days, as he was on another occasion when he refused to clean up the chewing tobacco a correction officer (CO) spit onto the floor. "The other incident I didn't want to clean," he says, was in "a robostation that oversees the unit. The CO [who worked there] was nasty. He used to chew snuff and he spit on the floor and he expects people to clean it. I wasn't cleaning that stuff." Once again, he "went to the box."

As Bruce and O.T.I.'s experiences suggest, solitary confinement is a relatively common consequence for incarcerated workers. Twelve of the 41 ex-prisoners I interviewed said they had been put in solitary confinement at least once (29%), sometimes for long periods of time. In fact, James D. was once in "the box" for two years. Though reliable data are not available, estimates suggest that 80,000–100,000 people across the US (and 4500 in New York State) are typically held in some type of solitary confinement (NYCLU, 2012; Solitary Watch, 2015). Moreover, as Bruce, O.T.I., and at least 10 other incarcerated workers report, going to "the box" is nearly always accompanied by some amount of physical violence, whether being "smacked around a little bit" (for O.T.I.) or outright assault (for Bruce).

Prisoners not only face the physical and mental violence of solitary confinement, they also face the possibility of longer prison sentences, whether by losing their chance for early parole or getting additional criminal charges and more prison time. For instance, Tim Jones recalls a time when he faced the latter threat while working as “rec aide” in prison. His job was to keep the prison’s recreation area orderly. One day at work, an officer asked this 28-year-old African American to do something he considered unusual and unacceptable, though at the time of the interview he could not remember what it was. In describing the request, Tim says,

It was just like, some things you ask people to do outside their job description, it’s like “Okay, I’ll do it no problem. I’m not doing too much out here anyway.” But it was something he asked me that just seemed like, “Huh?” Like, “*Excuse me?*” ... And I told him—I forgot exactly what it was, but—I told him it’s out of my job description, my [job] title. He said, “No it’s a direct order.” I said, “But I’m here at work though, right?” And he was like, “Yeah, you’re at work, but I’m telling you to do it.”

In Tim’s retelling of the incident, he continued to resist complying with the officer’s request, all the while using contractual language of employment to do so, while the officer used language of coercion. As Tim remembers it, he then replied:

*Tim:* But say, what if I refuse, due to the fact it’s not on my job title, and I’m supposed to be technically at work?

*CO:* I’ll put you on the wall.

*Tim:* You put me on the wall, then what ... What’s the outcome?

*CO:* If I put you on the wall and you even flinch, you’re not going to make your date.

*Tim:* I’m not gonna have no good time regardless, so what are you trying to say to me?

*CO:* You *know* what I just said.

Because not “making your date” means not getting out of prison as scheduled, Tim understood the officer to be threatening him with more prison time if he did not comply. Yet, as Tim clarified in the exchange, the threat was not losing early parole for good behavior (“good time”), though that is a commonly-reported coercive technique among my respondents and one that is explicitly sanctioned in New York State’s prison guidelines (DOCCS, 2011). However, because he was a parole violator, Tim was not eligible for “good time.” Instead, Tim says that the officer was threatening him with new criminal charges and more prison time. In order to understand why, some explanation is required. In New York, when a prisoner is “put on the wall,” he or she must lean against a wall at a 45-degree angle with their arms and legs outspread. Once in that position, they cannot move. Any movement can be construed as a threat to officers, and will likely be responded to with swift force—even outright violence—as well as solitary confinement and, in more extreme cases, additional criminal charges. In this instance, then, Tim recalls the officer implying that he would deliberately construe any “flinch” as a threat and, as a result, Tim would be physically overpowered (likely beaten), put in isolation, and charged with an additional offense and longer prison sentence. In the end, Tim says that he complied with the CO’s order, though he later requested a job-change and even asked the officer why he had treated him this way. (The officer’s response: he had been testing Tim’s temper.)

Although Tim did not lose his release date, another prisoner—Brenda Smith—did when she refused to perform her prison job. As this 53-year-old African American woman explains, she initially fulfilled her job requirements and complied with every request. “I did everything I had to do,” she says. “I worked. I worked in a kitchen, I work on a unit. I did everything I had to do to make the [parole] board.” However, once she was assigned an “outdate,” she refused to work because she believed prisoners’ wages were too low. She says,

My job was to clean the gallery, the unit, to mop and clean the unit. So I told them I wasn't cleaning it, because you're not paying me. And I'm getting ready to go home Tuesday, and this was a Sunday, so why should I have to mop and I'm not getting paid?

As a consequence, Brenda was confined to her cell—on “keep-lock”—for 15 days and lost her parole date. As she says, “They locked me up and they snatched my outdate.”

Like Brenda and the other incarcerated workers, workfare workers confront a similar Hobson's choice in their work lives—comply or face outsized consequences—even as they confront different technologies of coercion. Whereas prisoners may lose their personal and physical freedom as well as their connections to friends and family through solitary confinement, keep-lock, and longer prison sentences, workfare workers may lose access to the social safety net through welfare “sanctions.” For example, Kathy Johnson, a 45-year-old white woman, recounts the seemingly impossible choice she faced as a workfare worker several years earlier. Although she is now the director of a women's shelter, Kathy was once an unemployed, newly-divorced mother of three assigned to work 25 hours a week in a thrift store in exchange for public assistance. She complied with her workfare assignment until one of her children was hospitalized and she needed to stay in the hospital with him. She explained the situation to both her caseworker and supervisor; even still, the caseworker threatened to cut off her public assistance. As Kathy recalls,

I still remember feeling that way, like they're going to cut me off. Because I was sleeping in a hospital chair while my son was there [in the hospital], when his lung collapsed, and then the other lung collapsed ... He went into a partial coma, which turned to be a drug-induced coma. He was non-responsive to medication. I remember them coming in and telling me to pray for the best, but prepare for the worst. And I'm sitting there on a chair, and I'm in a chaplain at the hospital on my knees praying he wake up. And they're telling me, “We're going to cut your food stamps off.” Well, [I said,] “You do what you have to do, because I'm doing what I have to do, and I will not be there. I'm telling you, I will not be there.”

Ultimately, the caseworker's threats did not materialize, but only because Kathy's workfare supervisor began lying for her, claiming that she was working the requisite number of hours each week even as she remained in the hospital with her son.

For James Podos, a 52-year-old African American man, childcare responsibilities also conflicted with workfare but, in his case, they did result in sanctions. For his workfare assignment, James was doing maintenance work in a city government building; but then his schedule was abruptly changed, he says, “with no regard for my son and things that I have to do.” He told both his caseworker and worksite supervisor that he could not comply with the new schedule—which entailed arriving at work by 8:30 a.m.—because his son did not get on the school bus until 8 a.m. and he could not get across town via city buses in just half an hour. As James recalls, they told him, “Either you show or you're sanctioned.” He says he came to work late the first week but then received a “termination letter” stating that he was dismissed from the job and sanctioned from public assistance. “I got a four-months sanction,” he says, “which meant no cash assistance, food stamps, and eventually I ended up getting evicted out of my house. Me and my son had to go stay in the shelter.”

For other workfare workers in this study, resistance against bad working conditions could also lead to sanctions. This was most common among those workfare workers assigned to a particular chain of thrift stores, where they sorted donations while reportedly contending with heavy dust and bedbugs. As 26-year-old Sasha Reed says, working there “was horrible. They want you to work with old, dirty clothes and bedbugs and stuff. That was the worst site ... So I did something to not have to go there no more ... I left the site, I just left.” Although, surprisingly, she was not

sanctioned as a result, another workfare worker—April Smith—was sanctioned when, after just one day at the site, she could no longer work because of her allergic reaction to the dust. As this 30-year-old African American woman says, “It’s like, a lot of dust. I just sneezed all day, uncontrollably, and I was like, ‘Is there something else I could do, like clean around the building, anything?’” But the supervisor would not accommodate her. “You have to do this,” April recalls her supervisor telling her. “So I walked off,” she said, and was sanctioned for “a good month or two” as a result.

Thus, like solitary confinement for prisoners, sanctions are relatively common for workfare workers. Nearly half of the workfare workers I interviewed had been sanctioned at least once—a substantial minority had been sanctioned multiple times—and nearly all of them describe sanctions’ seemingly ubiquitous threat. For Pauline Wilson, it was this persistent threat of sanctions, combined with being persistently mistreated, that resulted in the loss of her public assistance. Although today this 57-year-old African American woman works with Kathy overseeing the women’s shelter, several years ago she, too, worked for public assistance, first cleaning at a nonprofit organization and then picking up roadside trash. She did not mind the work, she says. Indeed, she believes that she had an “obligation” to work for public assistance, but she detests the ill-treatment that came along with it. As Pauline says, “if you’re not cut out for that kind of stuff—that kind of *humiliation*—it’s not going to work. And there’s *nobody* cut out for that.” Nevertheless, she lasted two years on workfare, until she got fed up one hot summer day picking up trash on a rural highway. As Pauline tells the story, she asked her supervisor if she could get a drink of water. He declined, saying, “It ain’t break time yet.” Pauline persisted. “I’m hot, I feel I’m going to faint,” she recalls saying. “They even give water to thirsty dogs. Can I just have a little bit of water?” The supervisor would not allow it, Pauline says, insisting that break time was not for another 15 minutes. In defiance, she went to the van to get a drink of water anyway. The supervisor saw her, of course, and told her sit down for 10 minutes, which she did. As soon as the time was up, however, she says that she went back to work because she knew that if she did not perform the labor—regardless of the reason—she would be marked as “noncompliant,” which would result in a three-month sanction. Yet, as she did so, she remembers the supervisor asking her, “Did I *tell* you to go back out there?” By then, Pauline says, she had lost her patience. “I’m about sick of you yelling at me with your smart mouth,” she recalls snapping back. “*I’m* not the one who needs this,” she remembers him saying. “*You’re* the one who needs this. I *get* a paycheck every month.” In response, covering a sly grin with her hand, Pauline remembers saying, “You know what, you can take that paycheck and stick it up your mm-mm.” (Though, at the time, she used an expletive.)

And so we were back and forth until finally I said, “You know what, you can kiss my ass.” So he made me sit in the van for the rest of the day. When we got back to [Social Services], I didn’t even go upstairs. I didn’t go sign out or nothing. I just said, “Y’all can have this,” and I walked off.

In so doing, Pauline lost all cash benefits, food stamps, and Medicaid. She was unemployed for eight or nine months until she finally found a job in a bar. As she says with distaste,

I would rather work in a *bar* than go through that. Even though I wasn’t making that much money, I wasn’t being *disrespected* like that or treated like I’m a common piece of trash. Because I’m not. I’m not.

Although Pauline left workfare and relinquished her access to public assistance, workers across both of these groups say that they “tuck their tails” and comply most of the time. The consequences for not doing so are too severe. Thus the technologies of coercion in these labor regimes are highly

effective in producing their compliance.<sup>2</sup> As incarcerated worker Santos says, “I just was, like, I’m going to do everything they tell me to do, because I just want to go home. I just want to go home.” Likewise, James Pondos, the workfare worker who ended up in a homeless shelter with his son, says that now he, too, complies with workfare whenever possible, even though he considered its working conditions to be unfair and unsafe. “I’m a single parent,” he explains, “so I’m already struggling, that’s why I’m here in this situation ... It’s just not worth it [to resist]. So you comply.”

## Social Coercion and Neoliberalism

As these case studies suggest, there are parallels between incarcerated labor and workfare in terms of supervisors’ disciplinary power. In prison, COs can compel incarcerated workers to perform labor (and comply with most demands) through a range of sanctions, including: (1) as described by Bruce and O.T.I., putting prisoners in solitary confinement, in which they are confined to an enclosed and segregated cell for 22–24 hours a day without human interaction, which causes lasting and severe psychological damages (Arrigo and Bullock, 2008) and which is often accompanied by physical violence; (2) as in the case of Brenda, putting prisoners on “keep-lock,” solitary confinement’s less extreme cousin, in which they are confined to their cells and lose privileges, such as movement, recreation, phone use, family visits, commissary purchases, and, in her case, parole; (3) dispensing disciplinary “tickets,” as O.T.I. received, which exact fees and, when serious enough, prevent parole; and (4) in more extreme cases, pressing criminal charges that may incur additional prison sentences, as was threatened to Tim. For incarcerated workers, then, these technologies of coercion entail much more than the loss of wages and work. They involve the loss of physical freedom and human connection—both within prison (through internal segregation) and because of prison (through longer sentences)—which have lasting negative consequences for their mental and physical health and family relationships.

In workfare, the mechanisms of coercion are less plentiful but nonetheless severe. Welfare administrators and worksite supervisors may compel workfare workers’ compliance by imposing welfare sanctions, as happened to James, April, Pauline, and Sasha (in another instance) and as threatened to Kathy. Such sanctions not only withhold workfare workers’ immediate cash benefits, they also revoke workers’ access to key elements of the broader social safety net, including utility payments, Medicaid, SNAP benefits, and—as New York City workfare worker DiMaggio reports—homeless shelters. (“If I got sanctioned,” he says, “I could get thrown out [of the shelter]. That’s not a misconception, that’s not a scare tactic ... Plenty of guys I knew personally I helped carry their crap out to the sidewalk” because of sanctions.) Moreover, although sanctions are typically temporary—lasting one to six months among my informants—their effects are permanent: in addition to any lasting medical and familial consequences, they reduce welfare recipients’ lifetime allotment of public assistance under TANF (PRWORA, 1996). Therefore, sanctions have broad and lasting implications for the well-being of workfare workers and their families.

Thus case workers and correction officers have access to a variety of legal but highly punitive sanctions that extend beyond the immediate job to negatively affect workers’ bodies, families, and futures. In short, they have the power to circumscribe not only *homo economicus* but also *homo socius* (Berger and Luckmann, 1966). Accordingly, I call this punitive power “social coercion,” as it impinges on workers as fundamentally social beings. It is therefore distinct from the other types of coercive power that have previously been identified: economic and physical coercion (Marx, 1992 [1906]). However, much like economic coercion, social coercion may be present in many labor relations, at least to some degree; it is not equally distributed. For the labor regimes analyzed here, however, employer power hinges on social coercion in the same way that it hinges on

economic coercion in low-wage precarious work. Indeed, even when supervisors in such regimes do not wield their punitive powers, workers are acutely aware of their capacity to do so. This is how social coercion works: everyone knows what is possible and such knowledge is usually enough to compel their compliance.

Although the prison and welfare systems are unique institutions, social coercion is not particular to them. For, based on these case studies, I have identified other types of labor that are similarly predicated on social coercion. This is particularly true of those employers who hire significant numbers of noncitizens—such as foreign guestworkers and undocumented immigrants—because they can have those workers deported. Deportation not only impedes workers' economic livelihood in the immediate sense, it also curtails their economic independence, physical freedom, and family stability. The threat of deportation is particularly acute for guestworkers, who are bound to a single employer. As the Southern Poverty Law Center (SPLC, 2009: 15) reports, "At any moment, the employer can fire the worker, call the government and declare the worker to be 'illegal.'" For guestworkers, moreover, employers' licit power of deportation has become linked to illicit practices as well, such as paying them subminimum wages, exposing them to unsafe working and living conditions, seizing their passports, and blacklisting them from future jobs (HRW, 2000; SPLC, 2009). Meanwhile, although undocumented immigrant workers are not legally bound to a single employer, their employers may nonetheless use deportation to compel their compliance. As established by the Immigration Reform and Control Act of 1986, US employers are empowered—and, in fact, obligated—to verify workers' citizenship status, a power that has only been strengthened in recent years by court rulings that workers' illegality renders them consensual to their own exploitation (Kim, 2015). As a result, once again, employers' already-expansive punitive power over immigrant workers has been linked to a host of illegal practices, including contacting (or threatening to contact) immigration authorities to prevent workers from unionizing or making complaints about wages and working conditions (Bernhardt et al., 2009; NELP, 2009).

Across all of these labor regimes, moreover, employers' punitive power is bolstered by its legal, institutional, and cultural legitimacy. Whereas most employers' *economic coercion* over workers is mitigated—at least to some degree—by the state in the form of labor and employment protections (e.g., minimum wage and collective bargaining laws), in these regimes employers' *social coercion* is endorsed by the state. The ability to contact immigration authorities for workers suspected of noncitizenship, the power to put prisoners in solitary confinement, and the power to sanction welfare recipients are all legal and broadly legitimate employer powers in these regimes.

Thus, this analysis offers further evidence that the rise of neoliberalism has entailed not only a strategic shrinking of the state but also an expansion of its punitive power (Alexander, 2012; Wacquant, 2009; Zatz, 2015). While the former is linked to precarious employment, in which workers contend with increased employer control over their work time and wages, the latter is linked to coercive employment associated with mass incarceration, welfare retrenchment, and the criminalization of immigration. Moreover, such coercive state power is premised *not* on the economic exclusion of these marginalized workers but, rather, on their economic inclusion combined with their purposive economic marginalization (also see, Ngai, 2004; Zatz, 2015). Indeed, this dynamic is strikingly evident in all of these labor regimes, in which workers are required to be economically productive yet their economic independence—the foundation of free labor and full citizenship in the US (Shklar, 1991; Weeks, 2011)—is highly constrained.

Yet coercive and precarious labor relations are not only two products of the same neoliberal project. They are also connected in a more concrete way, as coercive regimes produce productive-yet-compliant workers directly for the low-wage precarious economy. Indeed, four workers I interviewed—C. Parks, Qwon, Jarome W., and Pauline Wilson (three incarcerated workers and one

workfare worker, respectively)—make this point explicitly. As C. Parks says, “If you can get through work in prison, when you come home you can do anything. There’s a lot of stuff that shouldn’t bother you ... even work at McDonald’s.” Similarly, Qwon says, the “bare minimum, nothing” he earned in prison has made him willing to accept low wages outside of prison. As he asks rhetorically,

How can I come out here and *not* appreciate a job in society, in the real world, where it matters, when I was just working for \$0.38 or \$0.14 or \$0.12? You know what I mean? How can I *not* come out here and appreciate it, even if it had to be a minimum wage or, you know, a stepping stone [to a better job]?

In short, the coercive strategies deployed in these regimes have a far-reaching effect, producing acquiescent yet productive workers for and beyond their own institutional boundaries. In this way, this analysis of contemporary coerced labor recalls Marx’s (1992 [1906]) argument that the labor process produces subjectivities as well as commodities, and Foucault’s (1977) analysis of the state’s production of docile yet industrious bodies.

## Conclusion

Scholars of work and employment should thus pay attention to coercion as well as precarity—a night in the “box” for noncompliance as well as a night on the street without work. Doing so will offer a much needed corrective to a literature that has been overwhelmingly focused on precarity, in particular, and traditionally-defined jobs in general. For, as these workers’ experiences suggest, there are other important modes of labor governance as well as other relevant but nontraditional employment relations—all of which must be examined in order to gain a deep and broad understanding of the exploitation and oppression that workers face.

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## Notes

1. All names are self-chosen pseudonyms.
2. Although such coercion is broadly effective in producing worker compliance in these labor regimes, it may be less effective in harnessing worker productivity. While these workers feel compelled to work and comply with supervisory orders, many workers also report that they do not face intense production pressure on the job.

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