
In recent years the historiography of mass incarceration – the systematic state imprisonment of millions of Americans, largely poor and of colour – has expanded dramatically. Until Julilly Kohler-Hausmann’s *Getting Tough*, however, few works have considered the interplay between the rapid and historically unprecedented expansion of the “carceral state” since the late 1960s and the concurrent retrenchment, even evisceration, of welfare provision during the same period.

*Getting Tough* explores this interaction through three state-level case studies: drug addiction, welfare, and sentencing. In response to a wider “crisis” of state legitimacy during the 1970s – economic dislocation, social and cultural change, insurgent social movements, perceptions of national decline – and the diminishing consensus behind prevailing “rehabilitative” policies, political elites “got tough” via newly punitive, muscular approaches to social problems. New York Governor Nelson Rockefeller abandoned his commitment to drug treatment and instead proposed draconian penalties which promised life sentences for those selling hard drugs. In California and Illinois, legislators grappling with enlarged welfare rolls enlisted penal institutions in the provision of AFDC, attaching work mandates, criminal sanctions and anti-fraud operations to existing welfare administration. Again in California, “law and order” politicians and law enforcement lobbies hijacked efforts to repeal the indeterminate sentence, instituting a new, politicised sentencing regime which while fixing prison terms also steadily increased them. As Kohler-Hausmann makes clear, these decisions were not reactive responses to policy failure, a rightward shift amongst the electorate, or endemic cultures or pathologies within communities; in fact, they often created these trends. Instead they represented conscious, strategic choices in which elites glimpsed solutions to the crisis of
state legitimacy and thus considerable ‘political dividends’ (p. 118), despite the limited programmatic success of their initiatives.

Yet “getting tough” was not simply an elite project. One of the book’s major contributions is to illustrate, through examination of constituents’ correspondence, prisoners’ newspapers or advocacy groups such as California’s Law and Order Campaign Committee, the ‘dialogical’ (p. 250) interaction between elite and grassroots agency, often amplified by pervasive media discourses, which incentivised the punitive shift. Nor was “getting tough” wholly novel. In another contribution, the book identifies the commonalities between the old policy regime and the new, revealing how “treatment-based” drug programmes or rehabilitative penal approaches also called upon coercion and criminalisation, while new policy solutions utilised age-old cultural tropes and constructs, many of them based around race and gender, to develop their legitimacy: the black or Latino “pusher”; the “welfare queen”; the “soft” or “permissive” quality of the welfare state. Kohler-Hausmann’s disentangling of these continuities helps historians to understand why the construction of a new ‘common sense’ (pp. 12-13) regarding drugs, crime and welfare could take place so rapidly.

But Getting Tough also excels in situating itself within even larger narratives. For Kohler-Hausmann, debates over drugs, welfare and punishment served as a ‘terrain’ (p. 122) for wider contestations over rights, citizenship, expertise and authority, and the role of the state during the 1970s. Getting Tough illustrates the genesis of a zero-sum competition over rights, with the extension of rights to some painted as a profound loss for others – a theme also evident in contemporaneous conflicts over school busing or affirmative action. It identifies new, normative visions of citizenship which sought to resolve struggles over who the state should serve by opposing a “productive”, “tax-paying” or “law-abiding” citizenry against a
deviant “underclass” of criminals, drug addicts and welfare recipients. As Kohler-Hausmann argues, the Rockefeller drug laws, restrictive welfare reforms and mandatory sentencing each represented an effort to ‘symbolically and physically exile’ (p. 287) the latter from the former – an opposition memorably captured in the opening to Time’s 1977 cover article on “The Underclass” – and strip them of their ability to make claims on the state. The book also reveals the shifting locus of expertise and authority, away from social or medical science – and even the addict or prisoner – to the crime victim, the legislator, the “citizen”, and the reification of individual or cultural explanations for social problems. Perhaps most powerfully, Getting Tough illuminates the changing role of the state itself: no longer a therapeutic entity, responsible for integrating marginalised individuals and communities into society and the polity, but a protector or punisher, responsible for disciplining, segregating or excluding such groups via “tough” policies of surveillance, quarantine and stigmatisation. For Kohler-Hausmann, this ‘toughness imperative’ (p. 209), forged within the wider crisis of the 1970s, has since become hegemonic in both state and national politics.

In places, the agency of national policy debates in Getting Tough is implicit rather than explicit. While Kohler-Hausmann is correct to argue that state and local governments retained responsibility for crime and welfare and state-level struggles served to transform federal policy (pp. 24-25), the reciprocal role of Washington in these areas is surely of note. Rather than simply responding to state-level developments, did national government not offer further political or fiscal incentives for “getting tough” locally – LEAA monies, victims’ rights initiatives, Gerald Ford’s sponsorship of mandatory sentencing? Despite its claims to examine welfare and punishment as ‘intertwined’ (p. 2) and ‘integrated systems’ (p. 9), the book’s tripartite structure – examining drugs, welfare and sentencing in turn – perhaps militates against attempts to assess institutional integration. And the book’s foregrounding of
the construction of the “problem” of drugs, welfare or sentencing ahead of those problems’ political or policy resolution has the effect of making “getting tough” – and the punitive turn more broadly – seem rather less ‘creative’ (p. 290), and rather more reactive, than Kohler-Hausmann, not to mention other scholars such as Vesla Weaver, have suggested elsewhere.

Nonetheless, Getting Tough is an outstanding and powerful book, not only in its attempt to interweave transformations in both the welfare state and penal system in the late twentieth century, but in its ability to elucidate the broader implications of these changes for the American polity and society. It tells us that, just as political elites chose “toughness” in the 1970s, we also have a choice today. At a time in which citizenship norms are again up for negotiation, against a backdrop of economic inequality, social instability, vocal demands from marginalised groups, and political leadership which eschews integration in favour of exclusion and “tough talk”, this choice is more relevant, and important, than ever.

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