

# Uneasy partnerships: Prisoner re-entry, family problems and state coercion in the era of neoliberalism

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## Abstract

Hundreds of thousands of Americans are released from prison every year. Drawing on interviews conducted in the mid-2010s in the context of the Multi-site Family Study on Parenting, Partnering and Incarceration, this article explores how the strains of prisoner re-entry interact with those of poverty and family life, and how these combined strains condition proactive engagement with the legal system among re-entering individuals and their intimate and co-parenting partners. We focus our analysis on problems, tensions and struggles for control in parenting and partnership, including interparental violence, as these often led to calls or actions that clearly allowed for coercive intervention by parole authorities, courts, child support enforcement, or child protective services. We identify the precise circumstances and motives that lay behind such requests or allowances, and explain how these related to the cynical regard in which former prisoners and their partners typically held the coercive apparatus of the state. Through bringing our empirical findings into an interplay with scholarship on the role of punishment in the governance of poverty under neoliberalism, we examine how the strains faced by former prisoners' households and the tactics they used to deal with them pertain to broader politico-economic arrangements.

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Each year, an estimated 637,400 Americans are released from prison, roughly 9 million are discharged from jail, and around 874,800 are under parole supervision in the community (Carson and Golinelli, 2013; Kaeble and Cowhig, 2018). For the overwhelming majority of them, the fraught process of re-entry into free society is further complicated by experiences of deep poverty (Kirk, 2019; La Vigne et al., 2003). In addition, most re-entering persons return to family relationships that have been strained or otherwise weakened as a result of physical separation from their partners and children during the period of incarceration (Comfort et al., 2018; McKay et al., 2018a; Wakefield and Wildeman, 2014). Still, too little is known about the ways in which the pressures of prisoner re-entry, poverty and family life intersect to condition proactive engagement with the legal system among re-entering individuals and their family members. By implication, knowledge has remained lacking as to the circumstances under which former prisoners and their families may sideline the feelings of mistrust they commonly hold toward the state, and actively solicit or otherwise accept its coercive presence in their lives.

Recent decades have seen a significant expansion in scholarship on the post-release effects of imprisonment, with a growing number of pertinent studies duly extending their scope beyond former prisoners themselves to address their families as well. Although such scholarship has made notable strides in terms of mapping and accounting for the adversities of life after prison, it has tended to be limited in one or more of the following three respects. First, research on re-entry often acknowledges that family problems and individual, household or local economic plight bear a relationship to each other, but too seldom specifies or elaborates the relationships at issue (for exceptions, see Haney, 2018; Harding et al., 2019; Wakefield and Wildeman, 2014; Western, 2018, 2006; Uggen et al., 2005). As a result, an array of pressing issues remain understudied. Most starkly, although poverty and abuse or other damaging forms of conflict have long been known to be highly prevalent in the lives of formerly incarcerated persons and their family members (Hairston and Oliver, 2011; McKay et al., 2018a; Stansfield et al., 2020), there is as yet no systematic research on the linkages between them in the context of prisoner re-entry.

Second, research on re-entry has focused primarily on documenting the lingering effects of imprisonment, with less attention to the mechanisms that former prisoners and their family members employ to respond to the challenges they face, whether separately or together. What scant research ascribes agency to them is typically trapped within an overly rigid dichotomy, suggesting that they

either actively reject or passively respect dominant social norms and the authorities entrusted with protecting them. This has forestalled consideration of more complex possibilities, as when a victim of partner violence may call on criminal justice agents to impose domestic order even while continuing to harbor strong antipathy toward their power and overall operation. Such complexities have been substantiated in research on different circumstances, as we shall see in some detail later, and deserve greater scrutiny in the context of prisoner re-entry. Finally, third, there is a dearth of attempts to interpret the post-prison realities observed, be they the challenges former prisoners and their families encounter or their responses to them, with reference to broader, macro-level structures and political economy in particular, although, as we shall also discuss below, a few important exceptions do exist. The analytic risk here is that intervening variables, such as particular welfare policies, may be mistaken for actual causes.

Our aim in this article is to help fill these lacunae. Drawing on interviews conducted in the context of the Multi-site Family Study on Parenting, Partnering and Incarceration, we set out to explore how the strains of prisoner re-entry, poverty and family life interact and, as such, how they are managed by re-entering men and their intimate and co-parenting partners. In so doing, we focus our attention on problems, tensions and struggles for control in parenting and partnership, including inter-parental violence, as these often led to calls or actions that clearly allowed for coercive intervention by parole authorities, courts, child support enforcement, or child protective services. We explore which party made such requests or allowances, under what precise circumstances and with what motives, and discuss how these related to the cynical regard in which re-entering men and their partners typically held the coercive apparatus of the state. Through bringing our empirical findings into an interplay with scholarship on the role of punishment in the governance of poverty under neoliberalism, we examine how the strains faced by former prisoners' households and the tactics they used to deal with them pertain to broader politico-economic arrangements.

### **Neoliberalism, punishment and prisoner re-entry**

The expansion, harshening and selectivity of the state's penal operations in the United States from 1970s onwards are increasingly understood as part of a broader transformation of poverty governance due to changes in the country's political economy and the advent of neoliberalism in particular. Wacquant (2009) has been particularly influential in promoting this perspective. In his view, the explosive rise of strict punishment was inevitable at a time when, in alignment with neoliberal economic doctrine, the labor market was deregulated and welfare provision was slashed. Austere penal interventions, he explains, lend themselves to containing the low-level disorders that neoliberalism is bound to generate on the streets of disadvantaged neighborhoods; that is, the petty crimes and misdemeanors to which custodial sanctions have been progressively attached, especially minor drug infractions and public nuisances or incivilities. Impoverished and racialized

Americans – i.e. those comprising what Soss and Weaver (2017) term ‘race-class subjugated communities’ – have borne the brunt of this campaign, as evidenced by the extraordinarily high rates at which they have come to be over-represented in jails and prisons. Both the disorders at issue and the strains that underlie them have been framed as individual failings rooted in a lack of personal responsibility, even as they are systematically produced by the concurrent retraction of stable employment opportunities and welfare protections. This, in its turn, has helped reductively to portray the members of targeted communities as the deserving recipients of close supervision and harsh disciplinary measures.

The neoliberal penalty thesis, as this line of argumentation has come to be called, posits an inversely proportional relationship between the scales of welfare and punishment, such that ‘the generosity of the latter is in direct proportion to the stinginess of the former’ (Wacquant, 2009: 292), while also emphasizing their operational homology and functional complementarity. Wacquant suggests that welfare has gradually transmuted into ‘workfare’, whereby assistance is conditional upon one displaying ‘self-responsibilization’ by taking up exploitative low-wage work in the peripheral sectors of the labor market. At the same time, beneficiaries are ‘closely supervised and, whenever necessary, corrected through rigorous protocols of surveillance, deterrence, and sanction, very much like those routinely applied to offenders under criminal justice supervision’, which has been meant to help instil the principle of individual responsibility into them and, ultimately, facilitate their acceptance of conditions of poverty and labor exploitation (Wacquant, 2009: 59–60). Thus, for Wacquant, the advent of oppressive workfare has shared in common with the rise in the use of criminal punishment, or what he calls ‘prisonfare’, the mission of regulating poverty, although each of these modalities of regulation has targeted different groups along gendered lines. Whereas workfare has commonly dealt with women, prisonfare has overwhelmingly handled men (Wacquant, 2009: 15).

Subsequent analyses have extended the neoliberal penalty thesis with greater emphasis on the role of workfare. Most notably, Soss et al. (2011) agree with Wacquant that harsh criminal justice measures and punitive workfare programs have both become integral components of the governance of racialized poverty under neoliberalism, with the former usually targeting men and the latter predominantly oriented toward women. Soss et al., however, part ways with Wacquant on at least two points. First, they do not see the primary function of neoliberal criminal justice policies as consisting in the negative sense of deterring men away from low-level disorders on the streets, but rather in the ‘productive’ sense of pushing them into accepting exploitative low-wage work – the type of work that workfare programs promote mainly among women – inasmuch as they ‘raise the odds and costs of being penalized for the pursuit of illicit and informal alternatives’ (Soss et al., 2011: 47). Second, Soss et al. argue that the state’s welfare-workfare apparatus has actually expanded, not contracted (see further Soss et al., 2011: 294–301).

These works have been crucial to attracting a steady and rising stream of scholarly analysis and debate about the role of punishment in the governance of poverty

under conditions of neoliberalism, but also about the causal importance of neoliberalism in itself (see e.g. Xenakis and Cheliotis, 2019). Such scholarship, however, has mostly tended to address punishment as delivered specifically in the context of custodial settings (or, indeed, as replicated in workfare), thus falling short of identifying in sufficient scope and depth the ways in which neoliberalism relates to the immediate and short-term aftermath of imprisonment, or what is widely referred to as the process of re-entry. This is despite the fact that both Wacquant and, to a lesser extent, Soss et al. have offered clear schematic discussions in this regard.

Wacquant (2010) notes that the neighborhoods to which formerly incarcerated men commonly return are the same barren wastelands of neoliberalism from which they were dislodged in the first instance. The strict criminal justice supervision under which most find themselves is practically an extension of criminal punishment as means of deterring their engagement in social disorders. Programs still available to re-entering prisoners purportedly by way of support, Wacquant adds, operate in parallel not just to deter social disorder but also to bend participants to precarious wage work, inculcating the logic of personal responsibility while providing them with minima of much-needed aid on condition that they occupy substandard employment slots in the service economy. In the particular context of re-entry, in other words, neoliberal government control over disadvantaged minority men may entail both penal techniques long trained on them and restrictive workfare programs kindred to the ones on offer usually for the destitute women to whom formerly incarcerated men are related. Wacquant's account of prisoner re-entry under neoliberalism is broadly echoed by Soss et al. (2011), inasmuch as they, too, view parole and other post-release programs both as supervisory extensions of the prison sentence and as attempts to develop pools of compliant workers for employers by treating acceptance of precarious work as an essential foundation of successful community reintegration (see also Seim and Harding, 2020).

In a rare empirical effort to examine prisoner re-entry in explicit connection with the rise of neoliberalism, De Giorgi (2017) confirms these insights in all but one important respect. Drawing on ethnographic work during the early 2010s in Oakland, California, De Giorgi lists an array of harsh realities with which formerly incarcerated poor people were faced upon release, and which were themselves directly linked to rampant economic neoliberalization. Chief among those realities were widespread poverty and unemployment, combined with a persistent lack of welfare provision, be it in the form of affordable housing, free healthcare, accessible education, or basic income. In short, former prisoners were returning 'back to nothing' (De Giorgi, 2017: 83; see also Hallett, 2012). Any social services that were available to them, De Giorgi elaborates, functioned to channel them toward temporary and exploitative work while concurrently helping to draw them into the neoliberal ideology of personal responsibility for one's own destiny.<sup>1</sup> De Giorgi reports that his interlocutors appeared to have internalized the narrative of individual responsibility, speaking of ample opportunities supplied by the state for escape from abject poverty and even for upward social mobility, while blaming

themselves for their past and ongoing predicament. Unlike what Wacquant's or Soss et al.'s analysis would suggest, however, De Giorgi's research did not unearth 'examples of a disciplinary state intent on imposing punishment and surveillance on its unruly populations' (De Giorgi, 2017: 92). The starkest finding here is the relative absence of penal agencies.

## **Neoliberalism and the regulation of private affairs**

The neoliberal penalty thesis represents a fruitful theoretical model for empirical work on the connections between the micro-level of everyday experiences and actions of those consigned to the margins of society, the meso-level of coercive state activities, and the macro-level of power struggles in the political and economic realms. As such, it readily lends itself to producing novel lines of inquiry that elaborate and perhaps even challenge its original formulation.

There are three inter-related lines of inquiry we wish to pursue in this vein. First, the complex of state actors involved in poverty governance can be extended beyond criminal justice and workfare institutions. There are arguably additional state agencies that are not just operationally similar and even complementary to criminal justice and workfare institutions, but also functionally equivalent to them. Key among these agencies are child support enforcement and child protective services. These entities are themselves part of the welfare system, combine coercive authority with assistance, and have long been known to target poor people of color in particular, the former men and the latter women (Fong, 2019, 2020; Hays, 2003; Roberts, 2014, 2002).

Second, purported submission to the neoliberal project among members of race-class subjugated communities does not need to be understood solely as a passive stance toward state authorities. Rather than viewing such communities as laying only on the receiving ends of key 'street-level' workings of the state that are meant to discipline them, we consider that they stand in an interactive (if still asymmetrical) relationship to the state.

Third, the control function of punitive state interventions against those occupying the lowest positions on the social ladder need not be confined either to cultivating readiness to accept exploitative conditions of work or to preventing and suppressing low-level forms of criminalized activity on the streets. Rather, such interventions may also respond to less visible but more harmful forms of criminalized behavior, particularly domestic violence, or to acute stresses and conflicts over family and partnership matters whose management may require or otherwise incorporate intervention by criminal justice and other coercive state authorities. It is in reaction to such phenomena, we posit, that families in race-class subjugated communities may actively invite or otherwise accept coercive state authorities and measures in their lives.

This is by no means to bestow legitimacy upon the dispersal and selectivity of neoliberalism's coercive state apparatus or to point the finger at those whom it targets. It is rather part of an effort to chart – much in the spirit of Wacquant, Soss

et al., De Giorgi and others – the ways in which the neoliberal state manages the social problems it generates or at least exacerbates itself. For neoliberalism is known to have been a key force behind the domestic assaults or other family and partnership problems or disputes in the face of which affected parties could potentially be forced to solicit additional immersion by the coercive machinery of the state into their world.

Prior research has shown that neoliberal reforms to welfare provision have had detrimental effects in terms of either producing or inflaming strains conducive to conflict within family settings, especially in poor neighborhoods. Reductions to social assistance budgets, for instance, have effectively placed unmanageable caregiving responsibilities on the shoulders of working mothers, while benefits allowing single parents to be full-time caregivers have been terminated (Laperrière et al., 2019; Orloff, 2017). Various policy developments of a neoliberal orientation have similarly been linked to domestic violence: from dramatic cuts to government funding for community-based domestic violence prevention programs with a radical feminist outlook, to the reframing of engagement in domestic violence in the language of personal responsibility, to the elevation of offenders' criminal punishment to the dominant state response (Abraham and Tastsoglou, 2016; Arnold, 2019; Cuomo, 2019).

The negative consequences of incarceration evident among former prisoners themselves – most notably, increased prevalence of unemployment and mental health problems – have also worked to heighten turmoil within re-entering prisoners' families (e.g. by increasing rates of divorce and separation) and add to the risk of domestic assault for their partners, especially women (Coker and Macquoid, 2015; Wakefield and Wildeman, 2014; Western, 2006; Uggen et al., 2005). The neoliberal penalty thesis suggests that neoliberalism is thus deeply interpolated in family conflict and domestic violence through its broader investment in incarceration as well, even when custodial punishment is not imposed in reaction to domestic violence as such.

The collateral effects of incarceration for former prisoners' families and partners, in conjunction with the fact that re-entering populations are highly concentrated in dispossessed areas (Kirk, 2019; La Vigne et al., 2003), also imply that prisoner re-entry lends itself as an optimal context for exploring the proposition that members of race-class subjugated communities may seek to manage issues of domestic violence and acute strains and conflicts over family and partnership matters through inviting intervention by the penal or other coercive arms of the neoliberal state; namely, the very state that pushes or keeps them in poverty, creates or inflames conditions of physical violence and conflict in their personal and family relationships, and criminalizes and punishes them systematically. But how likely, under what conditions, and for what precise reasons is it that the formerly incarcerated and their significant others might engage the agents of a potentially hostile and harmful force at all, let alone involve them in their most private affairs?

Below, with a view to setting the scene for our own empirical exploration of these questions, we offer a brief selective review of extant research on public contact and cooperation with criminal justice and child welfare authorities.

## **Contact and cooperation with criminal justice and child welfare authorities**

It is an established fact that direct or indirect prior experience with incarceration significantly increases mistrust and other negative views toward legal authorities (Kirk, 2016; Muller and Schrage, 2014; Visher et al., 2004; Wildeman, 2021). Re-entering populations also tend to report high levels of either mistrust toward or dissatisfaction with the structures and operations of the re-entry system itself, including the treatment they receive from parole officers and social workers (Trimbur, 2009; Visher et al., 2004). The practical outcomes of such attitudes remain grossly understudied. Nevertheless, a vast body of prior work on the relationship between the public and the criminal justice system in contexts other than prisoner re-entry offers a valuable starting point for this inquiry.

The majority of this literature suggests that members of the race-class subjugated communities in which most re-entering individuals and their families reside would tend to avoid coercive state interventions in their lives, not solicit them to manage interpersonal or family troubles. Not only is there an array of factors identified as disinclining members of the public from engaging with criminal justice authorities, but also several of the factors in question – most notably, poverty and perceptions of unfair treatment by criminal justice agents – are among those known to be aggravated through personal or vicarious exposure to incarceration.

Residents of dispossessed neighborhoods with high proportions of racial and ethnic minorities, for example, are less inclined to call upon or otherwise cooperate with police authorities insofar as they perceive such authorities to be systematically unfair and more concerned with surveilling than protecting them (see e.g. Karandinos et al., 2015; Kirk and Papachristos, 2011; Miller, 2008; Prowse et al., 2020; Weaver et al., 2019). Further, abundant evidence indicates that most of the violence women suffer in domestic settings is not reported to the police, primarily due to victims' doubts as to the effectiveness of criminal justice intervention or concerns about the counterproductive effects such reporting might instigate (see e.g. Burgess-Proctor, 2012; Miller, 2008; Rennison et al., 2013). African American women are reluctant to report their abusive male partners to a system that they think is racially biased (Miller, 2008), while women of lower socio-economic status have been found to refuse to seek police help if they believe their partner's arrest would imply further deterioration in family finances (Iovanni and Miller, 2001).

Mistrust and active avoidance of state agencies whose operations are perceived as inherently threatening is also evident in research on how women approach the child protection system. In particular, poor African American women commonly report

refraining from contacting child protection agencies to seek help for domestic abuse, lest they lose custody of their children on the oft-invoked notion that they have failed to protect them from harm (Roberts, 2014, 2002; see also Fong, 2019, 2020).

Yet not all literature on public engagement with the police or, indeed, the child protection system gives reasons to assume that such misgivings will deter re-entering individuals and their significant others from soliciting coercive state interventions in their lives so as to deal with problems of a private or family nature. Nor, for that matter, is there a consistent view emerging as to whether poverty works to dispose one toward steering away from the state.

Some research, for example, finds that African Americans and residents of disadvantaged neighborhoods are equally or more likely to report crime to the police than other groups (see e.g. Bosick et al., 2012; Schaible and Hughes, 2012). Indeed, Hagan et al.'s (2018) neighborhood-level analysis of 911 calls in conjunction with surveys of residents of disadvantaged minority neighborhoods in Chicago revealed that persistent views of the police as ineffective coincided with heightened calls for police assistance with property or violent criminal victimization. Likewise, Bell's (2016) qualitative study with poor mothers of color in Washington found that they maintained institution-level mistrust of the legal system while strategically placing 'situational trust' in the police for certain issues, particularly problems within the home (see also Karandinos et al., 2015).

Similar findings have been reported in relation to the child welfare system. Parents may actively summon, express readiness to summon, or otherwise knowingly allow for intervention by child support or protective agents, albeit not necessarily for reasons that align with the agents' or the system's own. Poor single mothers, for example, may cooperate with child support enforcement in naming their children's non-custodial fathers so as to have the latter forced into making much-needed child support payments on a regular basis, even though doing so is bound to jeopardize family ties and often even places mothers themselves at risk of retaliation (Hays, 2003). Or, they may seek to persuade absent fathers to make off-the-books – and, as such, practically higher – contributions to their children's welfare by threatening to turn them in to child support officials (Edin and Lein, 1997). Abusive men, conversely, may attempt to coerce and control the mothers of their children by raising child custody matters in the context of child support proceedings (Przekop, 2011).

Taken together, these accounts provide concrete evidence that persons of different backgrounds and often with divergent and even oppositional motivations may come wilfully to operate as facilitators or collaborators in the invasion of their private affairs by the coercive arms of the state. In the remainder of the article, we employ the neoliberal penalty thesis as the broad framework within which to interpret findings from a new empirical examination of requests or otherwise conscious allowances for coercive state intrusion in family and partnership affairs as made by people with direct or indirect experience of suffering under the yoke of such state coercion themselves; that is, formerly incarcerated men and their co-parenting partners.

## State coercion and prisoner re-entry

This section discusses findings from in-depth qualitative interviews with re-entering men and their intimate and co-parenting partners. The data were gathered in the context of the Multi-site Family Study on Incarceration, Parenting and Partnering ('Multi-site Family Study'), a quasi-experimental evaluation of federally funded family-strengthening programs for incarcerated and re-entering men and their committed partners. Following the definitions set out in the federal Defense of Marriage Act of 1996 (Pub.L. 104–199), the programs served (and the accompanying study enrolled) exclusively different-sex couples. Men who self-identified as being in a committed intimate or co-parenting relationship were recruited from state prisons in five states. Those who consented to participate in the study were asked to provide contact information for their partners at the conclusion of the baseline interview. Partners were recruited and interviewed independently (see further Lindquist et al., 2018). A subset of participants in New York, Indiana and Ohio were invited to complete qualitative interviews around the time of men's re-entry from prison during 2014–2015. Both members of selected couples were invited to participate in qualitative interviews, but partners were interviewed separately from one another and one partner could still participate if the other declined.

This analysis focuses on the subsample of 167 participants who completed qualitative interviews. This subsample includes 55 couples (110 individuals) in which both partners completed a qualitative interview, 28 men whose partners did not participate, and 29 women whose partners did not participate. Respondents were typically in their early to mid-thirties, parented an average of two children, and were predominantly African American. Men in the sample had typically been involved with the criminal justice system since their late teenage years, had experienced an average of six incarcerations, and were being released from a multi-year incarceration.<sup>2</sup> Transcripts were coded and analysed in ATLAS.ti. The initial codebook consisted of deductive codes grounded in prior literature; for example, 'material deprivation', 'conflict and conflict tactics', 'physical violence', 'formal supports', and 'formal social control' (which included references to police, parole and probation officers, or other agents of the criminal justice system). Inductive codes were developed as themes emerged from initial coding; for example, 'authoritarian parenting', 'parenting in poverty', and 'maternal loss of child custody'. Boolean queries were developed to extract textual data related to the questions of interest for this study. Query results were inductively themed and analytic memos were iteratively developed that described each theme and provided representative quotations. Final themes were agreed based on joint review and discussion of the memos.

### *The pressurized family sphere and mistrust of the state*

Following their release from prison, men in the Multi-site Family Study had brought a host of basic needs to the doorsteps of the homes their partners and

co-parents had struggled to maintain during their absence. 'You need a car, you need clothes, your kids need things, you need food', explained one of them. The reality to which they had returned, however, was typically one of immediate and concrete scarcity. As a returning prisoner put it, '[I have] nothing, not even clothes'. Re-entering men would not blame their predicament on their partners, most of whom were impoverished mothers working in low-wage occupations. Nor did their partners tend to point the finger at men. To the contrary, the two parties tended to concur that the problem instead lay at a structural level.

Returning prisoners and their partners each described a state that was present to them mostly in its absence. In interview after interview, they recited litanies of external supports and infrastructures that were either not available at all or were grossly insufficient, most notably in terms of formal employment opportunities and re-entry services. Expletives peppered many interviewees' responses to questions about what institutional supports or resources had assisted in men's re-entry from prison. The most restrained put it bluntly: 'You're on your own'.

Men often noted that correctional pre-release staff or community supervision agents had explicitly led them to expect a variety of formal supports and employment opportunities that were simply not there.

All of the stuff that they tell you when you're about to get out of prison, all of the pre-release classes: 'Go here and they're going to help you get a house or help you get an apartment.' And then you go there [and] there ain't no more funding, they stopped funding this program seven years ago. Here go the lists: 'Go for the [job] applications here – Autozone.' You go to Autozone, like, 'We don't even hire offenders. If you check yes [to the question about prior convictions], we don't even look at your application.'

Indeed, the limited formal supports that were available to prepare prisoners for re-entry or assist them after release were seen by many as exploitative rather than supportive. One partner explained,

The biggest problem with prison programs is that they are more about money for the prison than they are about helping the men. [. . .] A lot of the programs that guys can get in, that ex-inmates can get involved with on the street, are the same way.

Men echoed this perception. One described a running re-entry program as 'tricking' men into participating in activities that were not to their benefit because 'if you don't go to their program, they don't get paid'.

In this context, women were often left feeling coerced into a range of heavily demanding if not impossible welfarist roles vis-à-vis their male partners, from mental health counsellor and social worker, to transit worker and job coach.

They wouldn't even help him get Medicaid, *I* had to do that. But you know, if you know the system is designed for you to do a 365 circle and end up back in jail, that is

why they don't help you. And they don't give you resources [like] Medicaid and like counselling and things like that.

One woman, summarizing an arrangement that many couples recounted, described herself simply as 'sole provider for everything' (see also Western, 2018). Pressure built as women came to resent, or otherwise grew increasingly unable to sustain, these responsibilities. Despite – or in part because of – such pressure, however, most Multi-site Family Study participants appeared unshaken in their common understanding that the state, not themselves or their partners, created the conditions under which they struggled.

Both men and women in the study coupled their critique of a welfare system that they thought was close-fisted with an indictment of what they perceived to be the iron-fisted presence of the criminal justice system in their lives. Participants explained to study interviewers that the criminal justice system was set up to keep men cycling in and out of prison. They repeatedly suggested that people who had served their prison terms deserved a chance to start over, but were met instead with a mixture of almost insurmountable hurdles: an array of court-imposed fees and fines that were levied during re-entry, despite men's commonly known financial difficulties; rigid in-person monitoring procedures that confronted men with impractical conditions, such as having to pay regular visits to distant parole offices despite lacking access to transportation; and the continual exhortation and even requirement to find work in a job market where felony records and the absence of skilled work history put them at a debilitating disadvantage (see also Lynch, 2000; Middlemass, 2017; Smith and Simon, 2020). One of men in the study put the point as follows:

\$300 in child support a month plus I have to pay \$50 a month to be on parole? [...] I already did four years. I feel like I rehabilitate and I feel like I learn something and now I got this guy [the parole officer] on my back saying, 'Well, make sure you come see me or you are going to jail. If you don't come see me twice a month you are going to jail.' I don't have a vehicle. I got to get people to bring me here. Not only am I coming here, you are interfering with me trying to go to school, you are interfering with me trying to get a job [...] and I still got to pay you.

The seemingly impossible burdens imposed by the criminal justice system upon re-entering men after their release, combined with the penal consequences that all too often followed failure to overcome the burdens in question, led many interviewees to conclude that the formal structures of the re-entry process were part of a scheme to keep a tight grip on the criminalized. As one partner explained, 'It is almost like you want him to violate [parole] because it is easier to control them and keep tabs on them if he is in prison'. Equally prevalent, however, was the mutually inclusive notion that the involvement of criminal justice authorities in the re-entry process was effectively in the service of a 'crooked' economic machinery. In the words of

one interviewee: 'It's not that I'm just a number, it's that I'm just giving you the money. You know what I mean? It's just about the money'.

Interviews nevertheless revealed that neither persistent poverty nor deep mistrust toward the criminal justice system and the state more generally precluded study participants from appealing to their authority. As discussed below, poverty actually contributed to the emergence of strains and conflicts within the family sphere in the face of which mistrust toward state power and related reservations toward calling on it were outweighed.

### *The unbearable conditionality of child welfare*

Desperate financial straits often prompted women, and single mothers in particular, to seek whatever outside support they could find in order to meet their children's needs. These efforts brought them into the crosshairs of policies such as Temporary Assistance to Needy Families, Medicaid, state children's health insurance programs, and sometimes food stamps and child care subsidies, all of which made access to meagre but much-needed public benefits contingent on assigning to the state one's rights to child support payments and cooperating with child support enforcement.

The latter's mission is to pressure 'deadbeat' fathers into fulfilling their court-ordered financial obligations toward their dependent children. Some of the benefits women sought to secure were the kind of public assistance that is reimbursed, at least partially, by payments fathers are forced to make directly to the state either in return for child support the latter has covered for them already or in the form of ongoing child support monies that the state collects on behalf of obligees (see further Haney, 2018; Hays, 2003). Formally speaking, women's cooperation with child support enforcement consists in identifying and helping to locate their children's non-resident fathers. In practice, this requirement turned Multi-site Family Study mothers into the arbiters of an unbearable dilemma – a 'catch-22', as Hays (2003: 81) aptly calls it –, asked as they effectively were to weigh satisfaction of their children's basic needs against fathers' freedom and, ultimately, against whatever family cohesion could be maintained or achieved under the circumstances.

Multi-site Family Study participants' accounts suggest that the consequences that fathers (and, by extension, their families) commonly suffered under child support enforcement were all the more acute in the context of re-entry. This is because fathers' heightened inability to find stable or even temporary employment in the legal economy meant that they were almost bound to fall foul of their obligations to the state and their children alike (see further Haney, 2018; Hays, 2003; Middlemass, 2017). Mothers themselves acknowledged that non-payment would expose their co-parents not only to an array of civil sanctions (ranging, for example, from wage garnishments or interception of their unemployment compensation, to suspension of their driver's licenses) but also to incarceration.

Some mothers recounted how their forced registration with the child support enforcement system had left their children's fathers feeling betrayed, thus precipitating conflict and hostility in the co-parenting relationship. Against this

background, men would often withdraw their informal support for children or even cease contact with the mother and children altogether (see also Haney, 2018; Hays, 2003). As one mother explained:

[Fathers] tend to get upset with you when they've got to pay child support. But [I] had to because my kids are on Medicaid and Medicaid makes them pay child support. So, I mean, there wasn't nothing I could do about it. [. . .] My middle son, his dad doesn't really have a real good relationship with him because he was mad about child support.

Mothers who felt they had a choice in the matter frequently avoided registering with the system; as one of them put it, 'I've denied child support [orders]. He obviously doesn't need my help keeping him in jail'. But most mothers in the study, whose co-parents were economically debilitated largely because of their criminal records and long-term exclusion from the formal economy, were struggling to support children on their own low wages. For them, losing or foregoing the few formal supports to which they had access was too steep a price to pay for keeping a punitive system out of their family lives. Economic necessity drove them to work with the entangled public benefits and child support enforcement systems warily, fully aware that involving these systems in their lives not only exposed their children's fathers to added risk of reincarceration but often disrupted the family relationships they otherwise labored to maintain.

### *Parole and domestic peacekeeping*

For re-entering fathers, failure to remit child support payments was only one of numerous infractions, major or minor, for which they could find themselves behind bars yet again. Many of them were also subject to parole requirements whose wide scope, complexity and often, as mentioned earlier, impracticality made the prospect of re-incarceration appear all too plausible – and, as a consequence of this, any effort to maintain a consistent presence for one's children or regain footing in the workforce feel all too uncertain. Indeed, the looming threat of the parolee father's return to jail or prison pervaded domestic life. Entire families lived with the routine invasion and vulnerability of their ostensibly private spaces: from unannounced visits by parole officers, to the latter's monitoring of the father's urine for drugs, to the diversion of scarce economic resources toward fees and fines relating to parole supervision, to the ever-present risk of forcible removal of the parolee if his compliance with any of the myriad conditions was imperfect. Although parents generally tried to shelter their children from contact with the criminal justice system, its presence in their family lives was hard to ignore. In fact, many children lived in acute awareness of it. One father, for instance, said:

My parole officer knows my children. [. . .] They don't like him. They don't like him cause, you know, he can re-arrest me, you know what I mean, and they get scared.

All members of the family tended to regard parole officers – and, by extension, the invasive and arbitrary forms of state power they were thought to embody – with resentment and mistrust. In the near-complete absence of extra-familial resources and structures of support that Multi-site Family Study participants navigated, however, parole officers could also represent the possibility of institutional help or protection, particularly for women. This view was implicit in women’s occasional frustration at what they saw as parole officers’ disinterest and leniency toward re-entering men’s unemployment or addiction problems, with which women were now effectively forced to deal by themselves. But it was also expressed in an explicit manner, in the context of discussing what were frequently seen as difficult partnership and co-parenting arrangements to sustain. Especially but not exclusively for those women who had been abused by their re-entering partners and co-parents in the past, parole officers lent themselves as a readily accessible state authority whose formidable power could be animated and directed against paroled men engaging in violent or otherwise abusive behavior at home.

This is all the more important when one considers that domestic violence was highly prevalent among families in the Multi-site Family Study. Half of them, for example, reported physical partner violence in the first six months after the male partner returned from prison (McKay et al., 2018b). In such cases, relationships between partners had often been strained or had deteriorated while men were incarcerated, with ongoing conflicts over family matters making things even worse in the period thereafter. Key among those matters was men’s persistent economic impotence, not simply in the strictly material sense that men were unable to provide for themselves and their families financially as a result of the stigma and other disabling effects of their prior incarceration, but also in terms of the fallout this implied for the image they and their significant others had of them as men in a world that positioned the father as ‘the breadwinner, the money-maker, the financial supporter of the family’ (see also Comfort, 2008). Indeed, as Middlemass (2017) notes, this can be an especially hard situation for re-entering men given their prolonged exposure to the hyper-masculine culture that is typically found in American prisons, above and beyond other consequences of imprisonment that may increase the likelihood of male violence against women after release, from post-traumatic stress disorder to accumulated child support debt (see further Coker and Macquoid, 2015; Haney, 2018).

As in the case of children’s basic needs being in limbo, then, so too in the case of domestic violence, poverty contributed crucially to the predicament in the face of which women sidelined their negative views of state authorities and sought or threatened to engage them in search of much-needed support. Indeed, calling on abusive men’s parole officers was not only practically easy as such, it was also highly effective even as a mere threat, at least during the period of parole supervision. As one of the men in the study phrased the point, ‘All you would have to do is call my PO’. Or, as put by a woman who had previously experienced domestic abuse at the hands of her paroled partner and co-parent, ‘Right now, the only

reason I think that he shows restraint is because he is on parole, and anything he [does] can send him back [to prison]’.

That the possibility of automatic return to prison following parole revocation was described as ‘the only reason’ why abusive men abstained from using violence against their children’s mothers, is richly suggestive of the lack of less violent and more robust forms of institutional support and protection from partner violence; a well-documented reality for all women in the era of neoliberal cuts to government funding for such interventions, yet one bound to be especially acute in the impoverished communities to which most re-entering men return (see e.g. Iyengar and Sabik, 2009). Thus, although women in the Multi-site Family Study conceptualized recourse to men’s parole officers as a measure of last resort, it was in effect the only alternative they had to repeat victimization. To this extent, they were forced to further involve in the most private facets of their lives agents – and, by implication, a broader state machinery – whose intrusive punitive powers they otherwise repudiated.

### *Child custody and desperate fatherhood*

Men’s hopes and dreams for fatherhood, for the chance to redeem their early failures as parents, and for what might be possible in their children’s not-yet-foreclosed futures, occupied a significant portion of study interviews (see also McKay et al., 2018b). Yet men’s evident desperation to engage with their children and to matter as fathers clashed with their practical inability to perform the parental roles of nurturer or provider, thus creating further openings for the intrusion of state authority in their domestic lives.

As with young fathers returning from juvenile detention (Nurse, 2004), adult fathers in the Multi-site Family Study often held up the absolutism of the carceral sphere as a model for the domestic one, replicating at home the forms of authority and punishment to which they had been subjected in prison themselves. They commonly referred to their authoritarian parenting style as an asset – for example, proudly recounting instances in which a child had demonstrated instant obedience out of being ‘afraid of me’ – while critiquing mothers who allegedly exercised parental authority in less severe or absolute ways. As with their violence against partners, however, fathers’ authoritarian parenting of their children also appeared to be an effort to compensate for the damage that their economic impotence had brought to their status as men in the context of the family.

More crucially for present purposes, in seeking to project themselves as fully as possible back into their children’s lives after release from prison, re-entering fathers also looked to the court system for ways in which to seize custody of the children from mothers. This was despite – or in part because of – the fact that the mothers in question had usually been alone in undertaking child-rearing duties during the long years that most Multi-site Family Study fathers had spent in prison. Fathers often expressed either resentment over mothers’ closer parenting relationships with their children or disapproval towards mothers’ parenting patterns, above and beyond

their purported softness. Some fathers discussed attempts to take away a mother's custody even when they had no stated concern with how the mother had been parenting thus far, and even when fathers themselves appeared poorly positioned for sole parenting. As one father told his interviewer, 'When I get somewhere where I can live and make sure that [my son] has a bed, I am going to give him the option to come live with me. If they fight it, let's go to court'.

At the time of their interviews, when most fathers had recently returned from prison, any plans they had to use the courts so as to seize custody of their children stood more as a threat than a reality. At this juncture in their re-entry process, very few actually had access to the kind of financial resources that would enable hiring a lawyer for a successful custody suit. As they openly contemplated such actions and assessed their prospects for success, however, some fathers had already proceeded to call on an alternate and, most importantly, freely accessible form of state authority: the child protection system. Fathers leveraged child protection agencies to pursue greater access to their children and assert themselves as parents.

Aware of their vulnerability in this regard, mothers in the Multi-site Family Study made abundant reference to the possibility of losing custody of their children. Although no interview questions pertained to child custody as such, respondents regularly spoke of their own accord about family members or friends whose children had been taken away. Mothers also described their own direct experiences with the child protection system, including invasive inspections of their homes and humiliating subjection to drug-urine tests.

He [i.e. the father] told Children's Services that I was neglecting my kids and I was getting high around them. [...] They came up there and they inspected [...] and seen that my kids had beds and it was food in there [...] lights, water, you know, gas, heat, and everything was okay. I peed for them and didn't drop dirty.

Regardless of its actual legal outcome, the very experience of being reported to this system appeared to generate among mothers the same sense of domestic violation and looming catastrophic loss as did the possibility of parole revocation and return to prison for fathers. In effect, it was also a rebalancing of power, if underlain by base motives: just as women were in a better position to control their paroled male partners' abusive behavior through the threat of recourse to the parole system, so too paroled men could report their co-parenting female partners to child protective services, albeit for reasons that might have actually had little to do with the mother's conduct or the best interests of the child or children at issue. Mothers suggested, for example, that some men called in child protective services in an effort to pressure them back into a romantic relationship. As the mother who had recently endured an inspection of her home and bodily fluids explained:

He was upset because he wanted to be back with me and we weren't together. I didn't want to be back with him. So he was doing anything in his power trying to hurt me, trying to get our kids taken away.

In reporting mothers to child protective services, fathers in effect invited yet another threatening manifestation of the state into family life, thereby helping to further tighten the latter's grip over families in dispossessed communities. Ironically, however, the possibility that such reports could secure any gain for fathers or, indeed, their children appears distant at best. Involving child protective services in family life does not necessarily enhance one's status or appeal in the eyes of children, and it even tends to increase the likelihood that the children concerned will grow to experience imprisonment themselves (see e.g. Roberts, 2002).

## **Conclusion**

In an immediate sense, this article presents qualitative research findings from the Multi-site Family Study that help advance knowledge of a topic that penological scholarship has left curiously understudied to date; namely, the ways in which the pressures of prisoner re-entry, poverty and family responsibilities and partnership relate to one another, and how these intersecting pressures are managed by re-entering individuals and their intimate and co-parenting partners.

We found that unresolved tensions and conflicts related to parenting and, to a somewhat lesser degree, partnership matters often led one or both partners either to issue straightforward calls, or to engage in actions that clearly allowed, for coercive intervention by the child support or protective services, parole authorities, or courts. Mistrust and aversion toward each of those actors and the broader 'system' they were understood to represent were pervasive in the study sample. Decisions that directly invited or indirectly but knowingly facilitated their presence in family life were thus taken with reluctance and guilt, albeit especially among women. What prevailed in such cases was the substantive significance and high degree of urgency attached to the matters at hand, combined with the ready availability of access to coercive agents of the state and the perceived lack of alternative options. While poverty loomed large behind all the matters that inclined both men and women to engage the state despite their shared antipathy toward its abusive power, the precise nature of these matters was bifurcated along gendered lines. In the main, women addressed concrete material strains, whether in the sense of seeking to secure financial resources so as to meet basic childrearing needs, or in trying to bring their physical abuse to a halt. Men, by contrast, tackled intangible stresses of an emotional kind, working to rebuild their injured self-esteem as parents or partners.

Not to underestimate the relative weight of men's predicament, but it is arguably counterintuitive that they appeared to be less reluctant to call on the state in order to deal with emotional pressures – at times even fabricating charges against their partners in the process – than women were to do so in grappling with tangible pains. It is all the more counterintuitive when one considers that men sought to place or further push their partners and mothers of their children into conflict with the very state whose tight legal grip men had long experienced directly themselves. One way or another, any gains achieved through intensified incursion of state

power in family life came at too high a cost, to the extent that such incursion jeopardized or worsened what parents had most endeavored to safeguard or rectify: their relationships with their children.

In a broader sense, by way of bringing new empirical work into dialogue with conceptual scholarship on the role of punishment in the governance of poverty under neoliberalism, we demonstrate how appeals and other concessions to state coercion among returning prisoners and their families both reflected and helped to reproduce wider politico-economic structures.

Although Multi-site Family Study participants did call or knowingly allow for further state coercion in their lives so as to deal with serious family violence and conflict, we do not interpret such instances as signs that they had internalized an ideology which legitimates the neoliberal state. Far from having adopted the idioms and ideas of individual responsibility, Multi-site Family Study participants were at best highly ambivalent about opening the door or escorting state authorities to their domestic scenes. They invoked a hopeless lack of alternatives while, more broadly, levelling unrelenting critiques of the 'system' that had once again placed them at a disadvantage. They often also attributed its operations to a plan whose aims extended beyond population control to include profit-grabbing functions.

To the extent, as our findings suggest, that formerly incarcerated men and their partners collaborate in the intrusion of their most private and intimate spaces by a state they despise, at stake is a form of poverty governance that is at once cruder and more successful even than the ones depicted by Wacquant (2009), Soss et al. (2011) or De Giorgi (2017). This should not be taken to imply that the march of penal and other disciplinary interventions in the service of neoliberalism is unstoppable or irreversible. Nor does it suggest that those living in race-class subjugated communities never take the risks of resistance as they weigh them against the deprivation of autonomy, dignity and equal treatment. Yet this work highlights how some of the miseries produced or reproduced by neoliberalism help to reshape, to neoliberalism's own advantage, the way in which members of such communities engage with the coercive apparatus of the state. Those most disadvantaged and penalized under neoliberalism, it is revealed, are pushed into furthering controls that keep them in place, inviting or otherwise knowingly allowing for criminal justice measures and other regulatory state interventions into their lives in a desperate effort to deal with intimate forms of violence and conflict which are generated or exacerbated by the economic and penal policies of neoliberalism itself.

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**Notes**

1. De Giorgi argues that rehabilitation and other programs operating inside prisons also often seek to promote the neoliberal ideology of personal responsibility (see also Kramer et al., 2013). On responsabilization efforts in the context of re-entry in the US, see also Gottschalk (2015), Miller (2014), Werth (2013) and Lynch (2000).
2. The mean age of the qualitative interview sample was 34 for men and 33 for women. Respondents were racially and ethnically diverse: 65% of men and 66% of women identified as Black, 28% of men and 25% of women identified as White, 7% of men and 6% of women identified as Latinx, 10% of men and 2% of women identified as another race, and 4% of the sample identified as multiracial. Approximately one quarter of respondents were married to their study partner, about 70% were in a non-marital committed intimate relationship, and the remainder were co-parenting but not romantically involved.

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