Policing Poverty
And The Criminalization Of The Poor

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I want to begin this paper with this caricature (Figure 1) of Filipinos that appeared in the Minneapolis Tribune in 1901. This caricature portrays the binary images of Filipinos: the free civilized Filipinos who embraced peace, prosperity, public improvement, education and the United States; and the savage and imprisoned Filipinos who were considered diseased, troublemakers and torturers because of their opposition to colonization by the United States.

THE SENATE PHILIPPINE BILL OFFERS GREAT INDUCE-
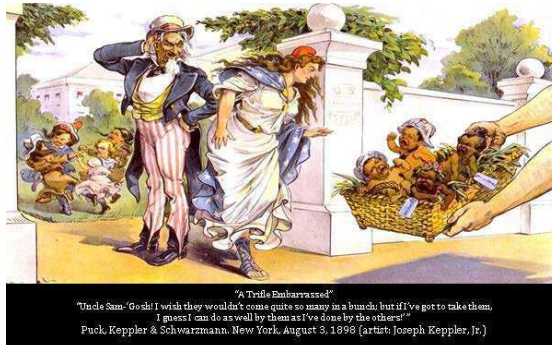MENTS TO THE BAD FILIPINO.—*Minneapolis Tribune*

Figure 1

The concrete walls that separate the civilized from the savages are common sightings in most caricatures of U.S. imperialism. These images (Figures 1 and 2) reveal how the carceral structures of U.S. gulags, asylums, prisons and other correctional institutions have been extended, transported and exported to U.S. territories and developed further in colonial locations. According to Said: the cultural construction of colonized "other" as subordinate and inferior beings are expressed poetically and politically in defined and regulated spaces. . . . These colonizing spaces of social control include the classroom, courthouse, prison, railway station, market place, hospital, boulevard, place of worship, even the private household and home, practically every place used in everyday life' (Soja, date, p. 36).

Beckett and Murakawa (2012, p. 222) document the extension and growth of the U.S. carceral state through 'institutional annexation of sites and actors beyond what is legally recognized as part of the criminal justice system.' These sites include immigration and family

courts, civil detention facilities, and county clerks' offices. While moving into these locations the penal state can ensnare and shape an expanded number of subjects without visibly and legally removing the rights of citizens.

"A Trifle Embarrassed"
Uncle Sam–"Gosh! I wish they wouldn't come quite so many in a bunch; but if I've got to take them,
I guess I can do as well by them as I've done by the others!"
Puck, Keppler & Schwarzmann, New York, August 3, 1898 (artist: Joseph Keppler, Jr.)

These less visible mechanisms for extending penal sanctions into a broader world of 'wrongs,' such as financial debt and administrative law violations, comprise what Beckett and Murakawa (2012) term a 'shadow carceral state' that grows through legally hybrid processes in which penal power comes to inhabit a broadening range of bureaucratic institutions. Michel Foucault (1995) saw the city as an ideal breeding ground for such disciplinary processes that creep beyond the openly institutionalized punishment and surveillance of captive bodies into the more mundane processes of daily life through which highly individualized urban subjects become compliant citizens; this is discipline that can morph discursively into un-coerced choice when associated with economic opportunity. In Foucault's city, carcerality can inhabit the means of as well as the barriers to survival; the mediative context of the city creates 'natural' processes for codifying the corporal punishment of the state (Alexander, 2007) into the 'punitive' or 'carceral city.' The U.S. territorial administration in the Philippines started to rebuild the city of Manila in 1905 while still fighting rebellion and insurgencies in Philippine urban and rural areas. As the urban life of Manila expanded to form many additional cities that now comprise Metropolitan Manila, the battle shifted from open fields to urban walls.

When Daniel Burnham, an American architect and urban
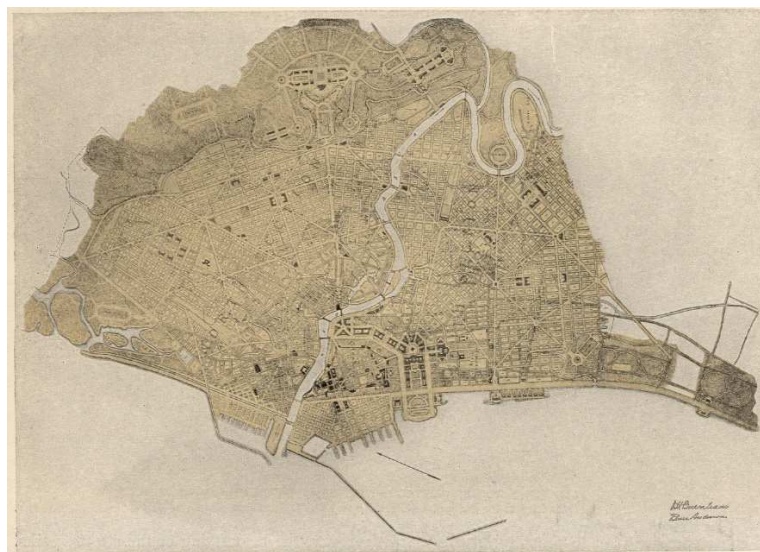
XXXI. PLANS FOR THE DEVELOPMENT OF MANILA, SUBMITTED TO THE PHILIPPINE COMMISSION BY D. H. BURNHAM, 1905.
The essential elements of this plan are the government center and system of proposed arteries radiating from it, the railway station, and the shore road.

designer was assigned to design the city of Manila, he was instructed to draw a plan (Figure 3) that would allow Americans to defend and control that urban region. The plan militarized urban spaces by facilitating within them the organization of check points, surveillance, curfews, policing and movement of military equipment.

Located within the militarized urban space were American schools, a concentration camp, governmental institutions, factories and commercial establishments. The colonial government surrounded this defensible city not only with walls but also with laws that literally segregated 'civilized' colonizers from 'savages' Filipinos, the educated from the illiterate, law abiding citizens from criminals, and Philippine rebels from their comrades in captivity. These laws included the following

Brigandage Act of 1902: This law prohibited Filipinos from forming or joining any organization or nationalist movement.

Reconcentration Act of 1903: This law considered people not belonging to any concentration camps or marked villages as bandits and enemies of the state.

Flag Law Act of 1907: This law prohibited the display of Philippine flags and other symbols not approved by the United States.

Through social and spatial control of Metropolitan Manila the United States inscribed on Filipinos a binary human evolutionary opposition in which the inferior qualities of Filipinos necessitated through counterpoint the superiority of Americans who could be their saviors only after becoming their captors.

Figure 4

At present, Metro Manila has a population of 12 million at night and 15 million in the daytime. There is a daily migration of about three million persons to Metro Manila for their work, education, shopping or entertainment (Robles 2012). "More than 2 million—or roughly one fifth of the sprawling city's
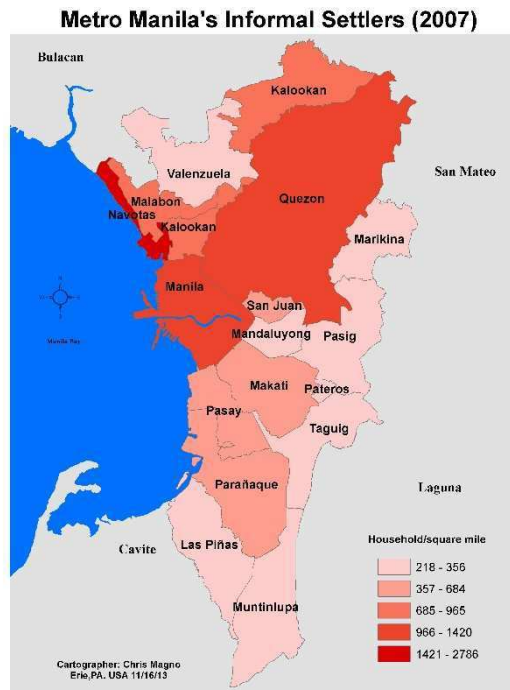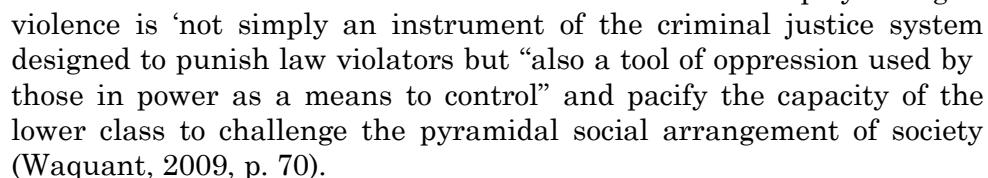
population—live in informal settlements (Figure 4). They belong to the metropolis' 600,000 families who are mostly living below the poverty line of P46 per day ($1). Most of these families also are facing eviction, violent demolition, and relocation to far away sites like the towns of San Mateo and Rodriguez in Rizal, Calauan in Laguna, and San Miguel in Bulacan."

Despite today's high rate of economic growth, the Philippines has the highest unemployment rate in Asia. The number of Filipinos without jobs settled at 2.814 million in 2011 when the labor force breached the 40 million mark (Bureau of Labor and Employment Statistics 2012). As for the unemployed, half or 1.4 million were between the ages of 15 and 24. Also, three out of five of the jobless were men (ASEAN, PDI, January 2012.)

According to Walden Bello, "The country's unemployment crisis will remain unresolved without a genuine thrust to develop Filipino manufacturing and domestic agriculture." Unfortunately, the government persists in promoting neoliberal economic reforms such as business process outsourcing (BPO), promotion of mining and tourism, enclave manufacturing for export, and cheap labor export. These are sectors where foreign investors and economies benefit disproportionately more than Filipinos." Neoliberal forms of economy do not address hunger, job insecurity and poverty (Check Figure 5).

DEGREE OF HUNGER IN HOUSEHOLDS, PHILIPPINES: JUL 1998 TO MAR 2013

First Quarter 2013 Social Weather Report
March 19-22, 2013 National Survey

Wacquant (2008, p. 70) argues that today's neoliberal state governments deploy 'more state' in the realm of the police, criminal courts, and prisons to remedy the generalized rise of objective and subjective insecurity, which itself is caused by 'less state' on the economic and social front. Waquant also argued that the state's monopoly on legal violence is 'not simply an instrument of the criminal justice system designed to punish law violators but "also a tool of oppression used by those in power as a means to control" and pacify the capacity of the lower class to challenge the pyramidal social arrangement of society (Waquant, 2009, p. 70).

After American colonial rule, the deployment of 'more state' in the realm of the police, criminal courts, and prisons began to increase dramatically during the dictatorship of Philippine President (1965-1986) Ferdinand Marcos. Marcos strongly reinforced institutionalization of the urban poor as a criminal population in 1975

by criminalizing squatting through Presidential Decree 772. The law says that all squatters who occupy public and private lands illegally can be prosecuted and considered criminal (Figure 5). During this time, squatter communities in Metropolitan Manila experienced the demolition and burning of their houses by municipal task forces and police officers. Metropolitan Manila's Quezon City is home to North Triangle, a large region of urban poor where I have conducted ethnographic research. Many of its residents have been imprisoned for violent resistance to demolitions. Also, sidewalk vending, their main source of livelihood, was frequently targeted by the Metropolitan Manila Development Authority's (MMDA) Task Force Zero Obstruction. The MMDA's chairperson stopped illegal vendors from 'plying their trade on sidewalks by ordering his men to spray kerosene on the goods they were selling' (David, 2007, para: 6) and burning them. In this manner, the vendors could not recover their investments. The chairperson also 'ordered the confiscation of their carts, and detained those who persisted in occupying the sidewalks' (David, 2007, para. 6).

This militaristic style of controlling the poor through violence, which is common to demolitions and forced relocations in Metropolitan Manila (PhilRights and UPA, 2009), pushes the poor to commit crime to survive. Urban poor residents of North Triangle where I conducted research commit robberies and hold up buses, taxis and jeepneys (Philippine public transportation) that stop around the community. Unfamiliar faces in the community often are the moment's victims of holdups and robberies. These criminal activities committed in the process of survival retain and reinforce the criminal identity of the community.

Within the carceral city's clustering of penality, poverty, and crime, Philippine governance at various levels, upper class subdivisions, and businesses often have responded to the legal and economic plights of the poor by seeking enhanced safety for the middle- and upper-classes. The MMDA has installed thousands of CCTV cameras to perfect the surveillance of the urban poor criminal. In other cities in the Philippines, such as Davao, Cavite, and Maguindanao, mayors have innovated their own mechanisms of carcerality and penal law by operating vigilante groups that shoot and kill people they characterize as street robbers who either have been caught in the act of committing a crime or are engaging in activity that could be criminal..

The largest television network in the Philippines launched a project in June of 2012 that encourages citizen journalism by urging citizens to police their own neighborhoods through what the network calls CCTV Patrol, a mechanism of surveillance in which citizens use CCTV footage and even cellphone footage to report crime they encounter in the streets. As one might expect, most of the crimes

citizens have reported are crimes of the poor. Seventy percent of news reporting of Philippine media—print, radio and television—are about crime of the poor.

The image of criminality has a huge impact on the lives residents of North Triangle and other urban poor communities like it. For example, the daughters of a resident named Sonia were not hired as sales clerks in a nearby department store when its human resources officer learned that they were living in North Triangle. The son of another resident, Teodora, was not accepted into Philippine Science High School even though he had passed the school's entrance exam and had a high GPA. I also observed that Catholic residents could not go to church in a nearby middle-class subdivision because they usually were halted by community guards and chased by dogs. Teodora, secretary general of a North Triangle community organization, explained during an interview that most of the time residents could not acquire care in nearby specialized hospitals (Philippine Children's Hospital, Lung Center of the Philippines, Philippine Kidney Institute) because they were not capable of paying the required deposit, which only residents of upper-level subdivisions could afford. Many children in the community did not have birth certificates, and many couples did not have marriage certificates even though the city hall is only a five-minute ride from their neighborhood.

Like the lower-rung colonized 'savage' Filipinos who could connect to the resources of a 'civilized' Philippine elite and U.S. colonizers through patronage relationships, urban poor residents of North Triangle, while experiencing a criminal stigma that robs them of many opportunities, survive through the patronage and services of politicians, professors, nuns, priests, seminarians, students, non-governmental organizations, religious organizations, medical practitioners and social movements who go into the community with different agendas but the same objective of 'helping.' Professors and students from exclusive schools visit the community for their research and provide tutorials to members of community youth organizations. Catholic seminarians from San Jose Seminary and Saint Francis of Assisi usually immerse themselves in the community for two years for their required pastoral work before entering the priesthood. Medical students in the hospitals surrounding the community use it as a laboratory for practicing medicine under sponsorship of the community's medical mission. Churches in nearby subdivisions distribute used clothes and groceries to the community every Christmas and conduct a Catholic catechism class among its youth every summer. Non-governmental organizations organize the community to attain their collective interest of security of housing, which, until now, remains a goal rather than a reality. NGOs often use the poor condition of the community in their proposals to funding

agencies for projects to uplift residents' lives. They also mobilize the community around issues such as the environment, corruption, national debt and globalization.

The poor of the community survive also through the gifts and sponsorship of politicians. Poor clients obligated to politicians through patronage are an essential component of campaigns for elected office. Politicians, in partnership with local and national businesses, sponsor mass weddings and baptisms, sports festivals, and birthday celebrations. They also pay burial expenses for residents. During elections, politicians promise to protect squatters from demolition and legalize their residency on the public lands they occupy in exchange for their support. Politicians rarely are able to follow through on such promises, and the poor move no closer to the exercise of full citizenship or legal access to judicial processes through patron-client relationships that domesticate them and channel their important roles in electoral processes toward the interests of others. On the political patronage ladder the poor remain poor, squatters, and stigmatized as dangerous and criminal.

CONCLUSION

This paper has attempted to characterize a carceral state and city that have arisen from the racial foundations of imperial law by taking a brief journey through moments in the legal birth of U.S. imperialism and its legacies in the Philippines. Elite Filipinos have replaced U.S. colonial administrators in the ways Filipinos today practice a two-tiered system of Constitutional rights. The qualities of the rebellious, racially inferior Filipino that the U.S. created to justify its own imperial rule and law now clothe the poor, who occupy the second tier. Neighborhoods of the poor have been confined to poverty and pushed toward crime by their criminalization through punitive processes of a penal law that, most often, denies the poor access to justice; the construction of the poor as not qualified to exercise constitutional rights is employed by both governmental and private organizations to demolish the homes of the poor, leaving their families without property or shelter. Postcolonial theorists call this rights-based hierarchy internal colonization.

According to Stephen Graham in his book Cities Under Siege, it is all too easy for political, corporate or military elites to portray the residents of informal settlements as threats—as existential, even sub-human, threats—to the 'formal' neoliberal economy and its archipelago of privileged urban enclaves of residence, production, speculation, transportation, and tourism. Everywhere, the urban boundaries between the 'insides' and the 'outsides' of our planet's dominant economic order present sites of palpable militarization as state and corporate security forces seek not only to police but also, often, to profit from the relations of conflict between insiders and outsiders that the

provision of security signifies and perpetuates. Shanty settlements are frequently bulldozed by government planners, police forces and militaries to clear the way for modern infrastructure or real-estate development by addressing purported threats of crime or disease, or simply to push the marginalized populations out of sight.'

Metropolitan Manila, despite its failures in industrial development urban planning, continues to project the image of "a modern, world-class metropolis" by hiding the evidence of its weaknesses through managing the visibility of problems: of slums, congestion, disorder, disease, drugs, and disaster. It moves these problems out of sight through the criminalization, penalization and marginalization of the poor. Criminalization and penality, as Campbell explains, are instrumental in the rationalization, normalization, moralization, correction, civilization, punishment, discipline, disposal and formation of society.

About the Author

Christopher N. Magno is an assistant professor in the Criminal Justice Program at Gannon University. He earned his Ph.D. in Criminal Justice at Indiana University, Bloomington, and his Master's in Sociology at the University of the Philippines, Diliman. He is the 2013 recipient of Gannon's three-year Cooney-Jackman Endowed Professorship.

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