Resisting Surveillance

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If you ever visit the remote hills and hollows that make up the far southeastern corner of Appalachian Ohio, you will find the poorest counties in the state. There will be roads you can barely drive on, schools that are chronically underfunded, and legions of people who are unemployed or consigned to jobs that lack the income and benefits needed for a secure life. Because of the structural poverty of the region, many families receive help from the state's Department of Job and Family Services, formally called the Department of Human Services and known by everyone but the bureaucrats as "the welfare office."

When people turn to the welfare office in Ohio, they meet CRIS-E—the Client Registry Information System—Enhanced. A computerized information management system of awesome reach and power, CRIS-E runs the show. It leads frontline agency workers through an intake and assessment interview as it prompts all questions and demands answers about household makeup, living patterns, sexual relations, finances, employment, schooling, and so on. CRIS-E then combines and assesses all of this information and makes decisions about program eligibility. CRIS-E goes on to manage the many fraud control measures undertaken by state and federal authorities—number matches with IRS and Social Security data, with workers' compensation and unemployment programs, with the various pension funds, and others. If any concerns turn up, or a scheduled meeting is due, CRIS-E sends a letter to agency clients instructing them when and where to report. If CRIS-E finds a problem or discovers a crime, the sanctions can result in a warning, termination, or a jail cell. CRIS-E is a surveillance system that matters. As a statewide matrix that unites virtually all programs dealing with lower-income families into one system of assessment, monitoring, enforcement, and sanction, CRIS-E mobilizes and solidifies an official framework for managing the poor in Ohio. Under its reign, the poor face a level and intensity of directly targeted surveillance that relatively few of us may currently experience but that we can expect to see more of in the coming years.

Our research project exploring life under CRIS-E grew out of a conviction that we actually know very little about the experiences and understandings of the surveilled.[1] Until quite recently, almost all research

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on how people perceive and respond to surveillance has been limited to mechanistic opinion surveys and by the assumption that *the* issue in the politics of surveillance was the venerable right to privacy. Instead, this project sought to assess the life of a surveillance subject that in a way did not presume what the languages, concerns, and responses would be but, rather, set out to explore these very questions in a manner as unstructured and unlimiting as possible. The essay at hand draws on those findings to focus on the questions surrounding opposition and resistance: How, if at all, do people struggle with, evade, combat, trick, criticize, undermine, or otherwise speak and act out the conflict that they must inevitably have with a system that enacts such manifest and consequential control over their lives?

The answers we found suggest that if you ever do visit Appalachian Ohio, you will not encounter picketers with signs reading "Welfare Moms against Big Brother." You will not find a staff of activist attorneys preparing litigation strategies. You will not find a field office for any of the national privacy rights groups. But you will find, I argue, a widespread pattern of unorganized resistance to surveillance in which several important things are happening:

- The welfare mothers we spoke with engage in an array of tactics to evade and thwart the detection and control of the surveillance system.
- They voice a widely shared critique of the goals and practices of the surveillance program. Their critique breaks with the conventional grounds of the right-to-privacy arguments to advance tangible concerns about food, shelter, and the welfare of their children.
- Their tactical efforts strengthen the values of the critique, challenge the powers of the surveillance system, and produce tangible improvements in their families' lives.

In short, what we found was a dense pattern of unconventional and seldom-noticed politics through which an internally coherent combination of ideology and action advanced the interests of these families and thwarted the mission of the surveillance regime.

The Unorganized Opposition

The findings reported here are not based on a comprehensive survey or national analysis of opinions on surveillance policy. To the contrary, our exploration of the issues was motivated by a concern that such surveys—which are so limited and limiting in their options—were failing to

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get anything close to a meaningful picture of how everyday people think and speak about surveillance in their lives. The path chosen here was one that leads through the local community and emphasizes approaching a conversation about surveillance in the most informal and everyday terms that can be achieved while still undertaking research. Field interviews with fifty welfare mothers were undertaken by local women who were themselves long-standing clients of the system until shortly before the project began. In open-ended one- to two-hour conversations under conditions of anonymity, the women told us about their lives under CRIS-E and the welfare bureaucracy.

Although the system got some credit for speeding up the processing of forms, the complaints came fast and hard. "Too nosy." "Degrading." "I feel like a number." "They make you feel like a dog." "It drives you crazy." "It seems like they want to know too much." A mother of two, who chose the pseudonym "Moonstar," had been on assistance for the twelve years since the closing of a major governmental facility ended her career. Here, she echoes many women as she voices her feelings about the information demands of the welfare system:

> **Moonstar:** Well, they want to know everything. I mean everything. How many people you got living with you—and that's nobody's business. How much rent you pay. How much utilities you pay and if you can't pay it, then that's tough luck. They put everything on this big screen and anybody and everybody can look right there on that big screen and say, "Oh look at this." Cindy (interviewer): Can anybody find out this information on you?
>
> **M:** I think they could, I think they really could.
>
> **C:** How does that make you feel?
>
> **M:** Well, I feel cheap when I walk in there. I feel that everybody's looking at me and like she ain't got no job, she's dirty and I just feel worse when I go in there and come out than I did going there. I don't like asking for help but I had to. And I just don't like it and I should have got off it a long time ago because I don't like everybody knowing me too good.

The complaints were clear, pervasive, and multifaceted. But it is important to stress that Moonstar and the other women went well beyond talk. Along with the complaining, these women and many of the others took action against the surveillance in their lives. They did not sue, they did not march, they did not boycott, and they did not join the ACLU. What they did was to become artful managers of their financial lives—creating ways to come up with necessary (and forbidden) extra income without triggering the surveillance system. Some babysat for cash, others mowed lawns, cut hair, sold crafts, or cleaned houses. Still others took unreported

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support from relatives, lovers, or the fathers of their children. Some had living arrangements in which homes or apartments were secretly shared. The list goes on. As Moonstar explains:

> The only way that you can make it, if you make it, is by working under the table. Welfare don't give you enough money to barely make it and you have to do little things just to keep your head afloat. I have no money in the end because I pay all the money. I have no money at the end. And the ADC is supposed to be for dependent children. How can I take care of my kids when I have got to pay everything in the household and not have no money to take care of my children? I have to go out and make a little extra money because I don't get enough to support my family, pay the bills, and be able to buy my kids shoes. If I have to go out and mow a yard for $10 that will get my kids extra shoes. Because my bills takes all of my money, every bit of it.

From what Moonstar and other women told us, getting a family of four through the month on the state's allowance of, at that time, a little over four hundred dollars was next to impossible.[2] Making things worse was the fact that state regulations at the time either forbade any extra income or made the reporting and surveillance system about allowable income prohibitively risky and cumbersome. So when the mothers did what they had to do—find extra cash and keep it secret—they placed themselves at odds with the law and at odds with one of the most advanced financial surveillance systems of its time.

The mothers' defiance of the rules and besting of the system through petty fraud, subterfuge, and other tactics manifests a pattern of "everyday resistance" to the surveillance regime.[3] As James Scott explains in *Weapons of the Weak: Everyday Forms of Peasant Resistance*, everyday resistance encompasses "the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth."[4] He continues, "When a peasant hides part of his crop to avoid paying taxes, he is both filling his stomach and depriving the state of gain. . . . When such acts are rare and isolated, they are of little interest; but when they become a consistent pattern (even though uncoordinated, let alone organized) we are dealing with resistance. The intrinsic nature and, in one sense, the 'beauty' of much peasant resistance is that it often confers immediate and concrete advantages, while at the same time denying resources to the appropriating classes, *and* that it requires little or no manifest organization."[5]

Here we hit on a new way of thinking about age-old practices of noncompliance, masking, misrepresentation, and other ways to beat the system. In situations where these activities work to defy the goals of the surveillance program by evading detection and engaging in forbidden or

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regulated behaviors, they have to be understood as a form of antisurveillance politics. Moving beyond the welfare context, we emphasize that these are not necessarily laudable politics, for many nasty things are done in hiding. Nor is it to argue that any instance of noncompliance is necessarily a significant political phenomenon. Rather, it is to argue that in a society in which surveillance increasingly becomes the defining face of government and corporate influence and domination, resisting surveillance programs becomes one key way for citizens to express and act on their disagreement with the norms and rules of the state. And when that resistance becomes sufficiently widespread to be recognized as a pattern in the lives of large numbers of people, it becomes hard not to recognize it as a significant movement on the political landscape.

Welfare mothers lack the political influence to raise their allowance through legislative change—but they have the personal resources to do it on their own. Middle-class families cannot rewrite the laws of Medicare eligibility, but they can learn to shift assets to achieve what are effectively the same ends. All around us, the demands of various systems of regulation and enforcement create webs of control and power. These systems seek to monitor, channel, identify, sanction, and reward according to established norms and goals. When we see that individuals are able to assert their autonomy and opposition through these millions of small skirmishes, we must conclude that a massive, underground, uncoordinated, antisurveillance movement is underway.

The Politics of Everyday Resistance

But just how widespread are the patterns of everyday resistance to surveillance programs? When employee drug-testing programs came online in the mid-1980s, small companies emerged selling "clean urine" through magazines and newspapers. When police began using radar to catch speeders, drivers began installing radar detectors. When the Internal Revenue Service develops profiles used to identify those who will be audited, tax advisers, newspapers, and Web sites broadcast the parameters of those profiles in a very public manner. Herds of tax attorneys and preparers assist middle-class and wealthy families as well as businesses in shirking, as much as possible, the obligations of taxation and besting the surveillance systems designed to implement those obligations. Thus, in these ongoing battles to prepare and divide the pie of national finance, the welfare mothers do nothing different from what many typical families would do, and they do it from a position of greater need and risk and with less advice and support.

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When viewed from this perspective, there are millions upon millions of people throughout the industrialized world engaged in widespread and diverse types of opposition and resistance to surveillance regimes. Depending on class, context, and circumstance, some get more formal, public, and organized while others must necessarily remain personal, private, and solitary. Some types of resistance—like the upper-middle-class tax shirker—are tolerated, even smiled on, by political leaders. Others, like the poor women here, are vilified and hunted. In all these different contexts and manners, the politics of surveillance are played out daily. It is here, rather than in the official arenas of the courts, legislatures, and blue-ribbon commissions, that the most important and dynamic politics of surveillance may be taking place.

These recognitions and possibilities mean that we should take particular interest in how practices of everyday resistance work as forms of politics. There is a danger that depicting something like petty fraud as a vital form of politics may well mistakenly amplify insignificant gestures, place false hope in tiny acts of individual defiance, and give inappropriate, if implicit, approval to what are often selfish and destructive acts.[6] In his 1992 presidential address to the Law and Society Association and his subsequent article "Postmodernism, Protest, and the New Social Movements," Joel Handler distinguished between different generations of scholarly studies about these "protests from below"—the struggles of relatively powerless groups such as American slaves, welfare families, and impoverished individuals. The first generation consists of such authors as Eugene Genovese, Carol Stack, Frances Fox Piven, and Richard Cloward; the second, authors like Susan Silbey, Patricia Ewick, Austin Sarat, and Lucie White.[7] All of them share an interest in everyday resistance as a form of politics. But where the first generation centered on how the politics of everyday resistance lead to the building of bonds, solidarity, and new terms and languages that could, in turn, lead to new forms of empowerment and mobilization, the second generation, charged Handler, was bent on deconstructionism and symbolic action and kept its attention on individualistic acts of defiance and opposition with little concern or attention paid to what Handler saw as pivotal questions of solidarity, organized politics, material outcomes, and new opportunities.[8]

Handler's critique urged scholars to undertake a more complete critical examination of everyday resistance as a form of political struggle. This essay does this by considering the following questions.

- Do acts of everyday resistance produce any tangible improvements in the lot of the resister or of others?
- Are acts of everyday resistance purely the isolated tactics of self-interested, even antisocial, individuals?

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- Is there any sort of sharing or collaboration that could be laying the groundwork for new forms of communities or politics?
- Is there an ethical grounding or ideology within which to frame resistant practices?

Assessing Everyday Resistance

In the end, the everyday resistance seen among the Appalachian welfare poor formed a pattern of widespread behavior that produced or supported an array of important material and symbolic results, including cash and other necessities of survival, a status of autonomy, a potentially powerful collective consciousness of the struggle of welfare mothering, and a strategic opposition to and undermining of surveillance mechanisms.

The first payoff is the most straightforward; the women studied here get immediate and crucial cash or material relief through their efforts. While we have no specific findings on exactly how much that is, it is, for many of these families, what makes it possible to get by. Kathryn Edin's 1993 study of welfare family budgets in Chicago found that women roughly doubled their resources in these ways. Obviously, this is a massive and critical source of material improvement for the poor. Indeed, one could argue that while these women are powerless to change formal government policy about levels of income maintenance on welfare programs, they have effected a local and personalized change in the policy by taking charge of their own conditions. For them, their subterfuge means that allowable levels of income have been effectively raised. Through their necessarily quiet actions, they have achieved what would be one of the central goals of a more organized social movement for welfare justice: more income. This may call to question some of our fixation on the questions of whether everyday resistance can lead to more formal collective action, which could then lead to "real" change. With neither picket signs nor a head office, *real* change is taking place in the lives of these individuals. It is not "permanent"; it is not, at least in the traditional sense, "collective"; it is not centralized reform of the state apparatus. But out at the margins, in the lives of these people, it is a change that makes a crucial difference.

The struggle for material subsistence also produces less tangible but nonetheless important results. For one, resistance marks and maintains a zone of autonomy and self-determination that denies the clients' status as dependent. The poor are neither "wards" of the state nor the "welfare dependent" when they are out hustling to pull together enough money to get through the month. They are partially freed from the oversight of CRIS-E and their caseworker as they enact a strategy that, whatever else

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may be said about it, makes them the initiators of an array of entrepreneurial pursuits. As Sarat has argued, this is a critical aspect of resistance by the welfare poor; those moments "in which welfare recipients . . . demand recognition of their personal identities and their human needs" or "establish unreachable spaces of personal identity and integrity."[9] Their struggles also, importantly, put the lie to assumptions and claims that they are bad parents, are lazy or incompetent, or lack initiative—through their works they care for their children with creative and risky labor in a hidden low-wage market.

There is another important sense in which the ongoing pattern of income enhancement works as an important front and form of political resistance—this has to do with the relationship of the surveilled subject to the surveillance state. In that the welfare administration demands that a client open her life to them in the form of income verification, computer matches, and other tactics in what can only be called a full-scale surveillance assault, her secret actions are an act of resistance to the very structure of the surveillance society. The welfare system works as hard as it can to force that secret out of her. It will solicit "rat calls" in an attempt to get neighbors and relatives to expose the situation. It will use computer matching searches to check bank accounts, social security payments, and other searchable databases disclosing records.

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This is, in short, a power struggle over the compulsory visibility of the welfare poor. The surveillance mechanisms of the state are mechanisms of domination that seek to force the poor into the open, prevent them from augmenting their meager allowance with entrepreneurial pursuits, and, as a result, disempower them by closing off more and more of the secret places in which to hide, at least temporarily, from the power of the state. To the extent that the poor can maintain those spaces, augment their income, and assert the needs and values of their own identities, they have won a temporary but not so small victory in the broader struggle.

These are all important political effects. But taking stock of the promising dimensions of a politics of everyday resistance does not imply that more formal and public politics would not be a more preferential and heartening course (and one that might even be more effective at achieving some of these ends). It is also not meant to imply that there are no costs. There are, of course, potential costs, risks, and drawbacks in all political choices. Many of the actions taken by these women are crimes, and they may be caught and punished. More broadly, politicians may use evidence of "welfare fraud" to reduce support and advance even more draconian measures of surveillance. All of this may happen. But the tactical comparisons of such cost-benefit analyses overstate the extent to which relatively powerless people can pick and choose from a menu of political options. For

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these poor women, the pressure is on and the resources are slim. Most of their choices are shaped by social, legal, economic, and political contexts over which they have little control—these contexts, after all, are far more affected by the interests and desires of the powerful than they are by those of the sorts of people who turn to the "weapons of the weak."

The Lonely Struggle?

The idea of everyday resistance centers on what is apparently the opposite of a traditional picture of collective action—an isolated, often secret act in pursuit of personal, even selfish, goals. But the contrasts may not be so clear. The practices of everyday resistance may not amount to a classic social movement, but what we have seen here is a form of politics that, while fragmented and dispersed, is by no means individualistic or selfish.

First, I want to suggest three ways in which the resistance seen here is not "individualistic." Surely, these women have not locked arms in a collective march to the state capital, but there are alternatives to traditional collective action other than a full retreat into the self. Because structural and institutional arrays of power help shape the opportunities for resistance, the resistance of those who, like these women, face a largely uniform pattern of law, surveillance, domination, and need, is, if not collective, widely shared. They may, in other words, seem to be "individualistic," but they are not alone, as there are legions of others experiencing the same pressures and engaging in the same actions. If we can momentarily ignore the organizer's cry to "get these people united," we can see that there are already tacit collectivities in place.

Second, although public cooperation is limited because of the need for secrecy regarding these often illegal activities, we found clear evidence of mutual support and cooperation among the mothers.[10] Most apparent is the amount of conversation and advising that goes on among clients about how to "work the system" or "play the game." Of the thirty-one interviews that had discussions of this issue, twenty-six women reported that they talked with other welfare clients about how the system works, who the good caseworkers were, and what programs were available. Eleven of those reported getting or giving advice on how to generate extra income or get away with it without getting caught. One woman spoke of a group of neighbors who would use each other as references in required verification forms. In the face of conditions that seem to compel distrust and secrecy, we still see important signs of solidarity.

Finally, but perhaps most important, these women—like most of

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These stories are replete with references to mothering, child care, the need to provide for children, and the widely shared conviction that any actions taken in the interest of children are legitimate—including, for many, patently illegal actions.

us—are far from alone in that their actions are designed to meet the needs and interests of their families. Importantly, as discussed below, the mothers explain their actions in terms of supporting their families. Collective action? Not in the traditional sense. But as they struggle to care for their families, they are surrounded by millions of other low-income mothers, by the occasional helping hand from a sympathetic caseworker, neighbor, or family member, and by the very needy hands of their children.

Beyond Privacy—The Principles of Resistance

"Delilah" is forty-one. She has two children and two grandchildren living in a rural home that she owns. In her sixteen years using various assistance programs, she has tried many ways to make ends meet—once trying to sell Tupperware until her ex-husband turned her in. These days, she cuts hair and says that her friends sell food stamps, firewood, and scrap metal. She explains: "I think as long as someone is using what they are doing for their home, or they are buying something that their kids need, I don't see anything wrong with it. If they are going out and they are doing it and they are boozing it up and they are using drugs, I think that's a shame." As another mother said: "If you have kids, you will do anything for your kids. I mean, I do. So it's not really illegal." These stories are replete with references to mothering, child care, the need to provide for children, and the widely shared conviction that any actions taken in the interest of children are legitimate—including, for many, patently illegal actions.[11]

One of the most interesting things we noticed in our interviews was the near absence of claims to privacy rights in the women's complaints about surveillance. Given the failures and limits of the predominant privacy rights discourse, the identification of alternative ways of complaining about surveillance suggested new possibilities for critique and action. That we were able to identify new framings and ethical positions from which to criticize surveillance indicates that the privacy rights paradigm is both too limited—because it fails to address these concerns—and not the only show in town.[12]

But these alternative ways of complaining about surveillance are also important to a discussion of everyday resistance, because they show that the women's actions are framed within a sensible and compelling moral argument. Skeptical readers of works on everyday resistance have noted the frequent absence of something that we might hope to see in political struggles—principles: some form of broader argument or ethic that positions and explains the actions of the oppressed and the wrongs of the

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oppressors while building the possibility of shared consciousness. Isolated acts of opportunistic self-expression or petty thievery that make no contribution to building a vision of a more promising world, they argue, should not get more attention or significance than they deserve.[13]

But here we see patterns of everyday resistance that are neither unprincipled nor unrelated to broader political critiques. While the mothers studied here do not regularly quote the Bill of Rights or make speeches about the right to privacy, many of them do make consistently principled arguments about need, duty, and obligation and explain their actions *and* their critique of the state in terms of those principles. Similar complaints about the welfare surveillance regime and explanations for resistance mark many of these interviews. This finding shows that there is a shared frame of reference—an ideology of caring or parenting within a context of need—behind the seemingly discrete and apolitical actions of women in the welfare system. Although they are not united spatially, politically, or socially, the women interviewed here do share economic, institutional, and familial identities, and we can see that they also share a unified framework of language and values with which to mobilize their critiques and actions.[14]

In the conditions and contexts in which they live—united by abusive practices in welfare administration, family obligations, poverty, and rural life—it is not hard to understand how an individualistic privacy claim based in the nobility of a law would fail to make sense. In lives surrounded by the obligations of meeting both the needs of families and the commands of the surveillance system, the ideal of the autonomous and rights-bearing individual must be rather far from the tip of tongue. In many critical dimensions, then, these women's lives, roles, experiences, and values appear to gravitate away from the assertion of individualistic rights and toward the focus on responsibility and care. The sense of disempowerment tied to their fear, distrust, and alienation from "the law" struggles with the reality of their situations in which something is wrong and something must be done about it. Rather than publicly objecting to the infringement of their rights as citizens, they quietly meet the needs of their dependents through daily actions that defy the commands of the state while advancing the needs of the family.

Conclusion

These stories show that in welfare administration and numerous other settings there are widespread uprisings against surveillance. They are often (and sometimes necessarily) out of sight; they are not always expressed

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in the expected language of privacy; they do not look like social movements are "supposed" to look. But they are, nonetheless, important and frequently productive expressions of frustration, opposition, and political energy.

This accounting of the senses in which everyday resistance advances the interests of these women is not meant to gainsay the power of the surveillance program with which the poor must live—our interviews made it clear that ongoing record keeping, observation, and verification manifest a considerable and fearsome presence in their lives. Several women spoke of the horrible stress of keeping their secrets and fearing apprehension; beyond the stress lies the real possibility of apprehension and sanction. Further, the subterfuge and deception necessitated by the comprehensive enforcement system means that many of the subjects here must "live a lie" and deny real aspects of their lives that are of great importance to personal dignity. The truth may be that they are not lazy, not helpless, and not involved in a pattern of broken relationships, but that they must hide that truth as part of their struggle against the state. As research into the politics of surveillance continues, one of the most interesting challenges will be the exhumation and exploration of the many truths suppressed as powerful institutions assert and enforce their own particular order.

Notes

1. The project, which was undertaken in the mid-1990s, is most fully explored in my book, *Overseers of the Poor: Surveillance, Resistance, and the Limits of Privacy* (Chicago: University of Chicago Press, 2001), from which portions of this essay have been adapted.

2. These findings are affirmed by Kathryn Edin's research on the budgets of Chicago's welfare poor. See Kathryn Edin, *There's a Lot of Month Left at the End of the Money: How Welfare Recipients Make Ends Meet in Chicago* (New York: Garland, 1993); and Kathryn Edin and Laura Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* (New York: Russell Sage Foundation, 1997).

3. See also Gary Marx, "A Tack in the Shoe: Neutralizing and Resisting the New Surveillance," *Journal of Social Issues* 59 (May 2003): 369–90.

4. James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985), 29.

5. Ibid., 296.

6. Joel F. Handler, "Postmodernism, Protest, and the New Social Movements," *Law and Society Review* 26 (1992): 697–732; Michael McCann and Tracey March, "Law and Everyday Forms of Resistance," in *Studies in Law, Politics, and Society*, vol. 15, ed. Austin Sarat and Susan Silbey (Greenwich, CT: JAI, 1995), 201–36.

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7. Carol B. Stack, *All Our Kin: Strategies for Survival in a Black Community* (New York: Harper and Row, 1974); Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage, 1972); Lucie White, "Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.," *Buffalo Law Review* 38 (1990): 1–58; Frances Fox Piven and Richard A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York: Vintage, 1972); Piven and Cloward, *Poor People's Movements: Why They Succeed, How They Fail* (New York: Vintage, 1977); Patricia Ewick and Susan S. Silbey, *The Common Place of Law* (Chicago: University of Chicago Press, 1999); Austin Sarat, "The Law Is All Over: Power, Resistance, and the Legal Consciousness of the Welfare Poor," *Yale Journal of Law and the Humanities* 2 (1990): 343–79.

8. Handler, "Postmodernism, Protest, and the New Social Movements," 710–16.

9. Sarat, "Law Is All Over," 344, 347.

10. See also Stack, *All Our Kin*.

11. "It is no coincidence that the cries of 'bread,' 'land,' and 'no taxes' that so often lie at the core of peasant rebellion are all joined to the basic material survival needs of the peasant household. Nor should it be anything more than a common-place that everyday peasant politics and everyday peasant resistance (and also, of course, everyday compliance) flows from these same fundamental material needs" (Scott, *Weapons of the Weak*, 295).

12. Gilliom, *Overseers of the Poor*, 93–114.

13. McCann and March, "Law and Everyday Forms of Resistance," 218–19; Handler, "Postmodernism, Protest, and the New Social Movements."

14. Many authors have now advanced the idea that an ethic or discourse of "care" emphasizing needs and interdependency stands as an alternative to the traditional discourse of "rights" or "justice" that emphasizes individual rights and autonomy. Where the latter posits an individualistic realm of legalist and rationalist calculations based on universal principles, the ethic of care emphasizes responsibilities, particular needs and differences, and compassion. See Julie Anne White, *Democracy, Justice, and the Welfare State: Reconstructing Public Care* (University Park, PA: Pennsylvania State University Press, 2000); Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982); Joan C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (London: Routledge, 1993); Eva Feder Kittay and Diana T. Meyers, eds., *Women and Moral Theory* (Savage, MD: Rowman and Littlefield, 1987).

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