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Reflection on Social Entrepreneurship in the Penitentiary Environment

Carmen MATEI[1]

Abstract

Entrepreneurship can be a solution to the dilemma:
"Labour is a form of education, a way of ensuring existence, gaining autonomy, a physical and mental training, a way of oppression, a form of occupational therapy, all together or …none of the variants listed?"
Depending on the reference field and the perspectives offered by different specializations, work is defined as a physical or intellectual action, which develop material and emotional satisfactions. Especially in closed environments, it is practiced as a form of occupational therapy (ergotherapy), because it ensures a sense of usefulness, helping to maintain somato-psycho-emotional health. The schoolmasters highlight the formative values of work for students: evaluate the native skills and abilities, lead to the discovery of new unknown interests and talents, support the student in his perfection by inoculating the ideas of responsibility, order, discipline, etc.
Before 1989, in detention environment labour was mandatory, but now, labour is an optional right. The two perspectives are diametrically opposed, and the issue was addressed only from the perspective of reduced job supply, both during detention and after release.
There are few publications with strict reference to this topic. In general, the social reintegration of post-execution prisoners is addressed. At this moment, the main problem highlighted is integration/reintegration on the labour market, as the main facilitating step of maintaining the accumulations during the detention period and a primary factor for avoiding the recurrence.
However, those who have served a custodial sentence do not have a "ticket" to the labour market. To be known and solved, the situation should be addressed continuously: prevention before detention, education/re-education/training / retraining during detention and placement on the labor market / retraining immediately after release.

Keywords: *Reintegration, relapse, work, education, therapy.*

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1. Labour in traditional perspective

"Labour is a gold bracelet."
(Anonymous, Romanian saying)

The reflection on labouring is a reflection on the evolution of humanity, a process in which many of the perspectives about life or how to live in the community have followed different directions: some have undergone transformations, others have disappeared and new ones have replaced them, as some have maintained.

The concept of labour has been transformed in accordance with the creativity of the members of human societies who have gone from actions to ensure subsistence to technology, generating changes in mentality, organization and functioning of communities and each individual. What is certain is that labour did not devalue in any of these stages, in the Romanian space being subjective the Romanian saying: "labour is a golden bracelet", an indisputable and non-perishable value.

Also, the sacred writings indicated labour as the unique way of obtaining income, promoting enrichment through work as a meritorious and normal act. The convicts were people who did not work, without having a motivation generated by the existence of a physical or mental deficiency. Even the Bible (chapter I - Genesis) begins by describing God's labour for the creation of the world, throughout it being numerous topics that address various aspects of work.

Returning to the Romanian space, we all remember the childhood with nostalgy as a period when the world was revealed to us through folk tales, the stories of Ispirescu or Creanga, and our aspirations for the future were also rooted in these meaningful stories, in which the characters through work, kindness and intelligence overcame obstacles and "lived happily ever after".

Without breaking the mirage of the spectacular world where everything is possible and good always defeats evil, I quote the great Romanian storyteller Ion Creangă, who humorously illustrated the Romanian way of relating to work: "It's hard for the Romanian until he gets to work, because he leaves immediately."

2. Sociological labour

Labour, as defined in the Explanatory Dictionary of the Romanian language, looks like a coin with two sides, if not diametrically opposed, certainly different, as follows: "Labour: Carrying out a physical or intellectual activity directed towards a certain goal; activity by which man modifies and adapts things in nature to meet his needs. (In pl.) Field work; agricultural work. 2. Used material, good agonized by work; agony, gain, profit. 3. Effort to achieve something; endeavour; occupation, occupation. Labour: 1 Torture to which the condemned were subjected. 2 ~ eternal, ~ of eternity, etc. Torments of hell. 3 (Learn) head ~, Death penalty. 4ways, instruments of torture. 5 Physical or moral suffering Si: torment. 6 Birth pains."

The common understanding of the above definitions is that labour requires

effort, and the effort limitations lead to satisfaction or, conversely, to suffering.

The sociology of work defines labour as a private field of society and human activities, different, relatively independent, which involves physical and mental effort to achieve its goal (production of goods and services that meet human needs).

Labour is an inseparable notion of human existence, as it appears from Labour Law, its regulation by law being mandatory (e.g.: hierarchical and collaborative relationships, payment, length of working day, etc.).

Economy defines labour as one of its three pillars: paying activities, factors of production and capital.

Labour has also been the object of study of the various philosophical currents that present it as a moral duty, a necessary way of action through which human can integrate into social life by transforming it simultaneously with his own transformation.

The conclusion of Mirela Ionela Aceleanu (2011, p. 84) is that: "What is universally accepted as the definition of work is the fact that work is a human activity, mandatory for human and society existence for the general progress."

Work defines the evolution of human, his creative effort and the desire for change and control over the environment, the effort to increase social and individual well-being. If initially it was manual and for subsistence, it evolved into a conscious act aimed to ensure needs and obtaining benefits through the emergence of planned and controlled production, then to the separation of social classes through the division of labour and the emergence of the excess. From this moment the chase after accumulations appears, the differences between the social classes deepen, the status and the role of work in the society are more and more well defined. Starting with the 15th century, with the development of technology and the multiplication of inventions, the following appear: private enterprise, individual property, employment contract, sales market and the state as a regulatory element. The context helps production, diversification of production and overproduction. The oversaturation of the needs of the consumer market has generated the emergence of a new approach through marketing and the creation of offers/needs with the risk of depletion of resources.

The different types of paying activities were valued differently depending on the role played in a certain historical moment, for a long time agriculture was considered as a priority, as Xenophon said ("On the economy, in Memories of Socrates", p. 149):

"Agriculture is the mother and the nurse of all the arts. When agriculture prospers the other arts progress with it, and when the work of the field is neglected, the other trades, in one way or another, anguish everywhere".

The free man, who lived in harmony with nature, became dependent on: nature, other people, market mechanisms and other mechanisms of society, etc. The role and status acquired by labour took human out of the natural environment and directed him to the virtual one. The desire for well-being, affirmation and obtaining optimal results with minimal effort have led to multiple alternative solutions for ensuring food, health, etc.

3. Educational and therapeutic valences of work

The attitude and character can be best educated through group activity, when skills and talent can be highlighted only through the analysis of products resulting from the activity.

Cooperation and competition that appear in micro groups are forms of personal motivation for self-improvement and overcoming the limits in order to achieve the goal set by the group. Group work facilitates the responsibility of each member by establishing individual tasks, increases the level of tolerance and self-control, shortens the time allocated for problem solving, through interaction one can develop new skills and abilities, different forms of thinking etc.

Occupational therapy, along with play and exercise, have been used for thousands of years for their healing qualities for those who practice them. The Chinese have been using the Chi Kung technique (exercise, breathing and concentration) since 2600 BC. To improve health in antiquity (Greece, Rome, Egypt) doctors of the time recommended to patients: gymnastics, massage, baths, exercise, walking, reading, discus throwing, acting, going to participate in long trips.

The French scientist Pinel (18th-19th centuries) introduced for the first time the treatment through work (occupational therapy), in the mental disease institution of Bicetre. The proof of their recovery was a return to their previous professions. Action learning "is superior to all other forms of learning, it avoids the isolation and installation of depression and anxiety, reduces the effect of addiction and institutionalization, activates the motivation and desire to contribute to their own healing. In conclusion, "Work is the father of glory and happiness" (Euripides).

4. Labour in the Romanian penitentiary environment

"Work keeps at bay three great evils: boredom, vice, and need."
(François-Marie Arouet de Voltaire)

It is no coincidence that I chose the quote above. If we correlated with the criminogenic factors identified as responsible for the occurrence of the criminal act, we would find that these three are in the first places. If we refer to the percentage of detainees who leave the detention environment and occupy a place in the labour market, we would find that these people are in a vicious circle most of the time, because the brand of penitentiary is discouraging for employers who are not encouraged to take in consideration the employment of former detainees, as they do not benefit from any tax facility for this category of vulnerable people.

Before being imprisoned, detainees usually do not work or work occasionally performing unskilled work, having a low level of school education, they are facing illiteracy and functional illiteracy, they are not having any qualifications and stable income, and members of the environment origin are marked by similar needs, vulnerabilities and risks. The situation corresponds to a percentage of approx. 70-80% of the incarcerated population.

Table 1. The evolution of the number of persons deprived of liberty in custody during the period 2015-2019

Year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Educated people	2459	2388	x	2085	1314

Source: the data are presented in the annual activity reports of the National Administration of Penitentiaries (2016, p. 6, 2017, p. 6, 2018, p. 14, 2019, p. 12)

During detention, the percentage of those enrolled in school training courses is approx. 9-10%, and of those who follow a qualification course is approx. 5-6%.

Table 2. The evolution of the schooling activity of the persons deprived of liberty during the period 2015-2019 (gymnasium level, lower secondary level, vocational level, high school level, upper secondary level, professional, university level)

Year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Educated people	2459	2388	x	2085	1314
Percentage in the total population	8,67%	8,69%	x	10,02%	6,38%

Source: the data are presented in the annual activity reports of the National Administration of Penitentiaries (2016, p. 20, 2017, p. 22, 2018, p. 29, 2019. p. 27)

Table 3. The evolution of the professional training activity of the persons deprived of liberty during the period 2015-2019

Year	2015	2016	2017	2018	2019
Qualified persons	2378	519	988	2706	x
Percentage in the total population	8,39	1,89	4,21	13,01	x

Source: the data are presented in the annual activity reports of the National Administration of Penitentiaries (2016, p. 20, 2017, p. 22, 2018, p. 29)

There is no centralized record at the level of the National Agency for Employment of those who manage to get a job after serving a custodial sentence, but in the preparatory activities for release supported by prisons and district employment agencies labour, there was a percentage below 1% of the total number

of those conditional/ on term released for a period of one year. For those who perform long periods of detention, there is a risk of dependence on the incarcerated assisted on the institution that provides all his services and covers all his needs. It is distinguished by the offer of services in accordance with the needs of the assisted-detainee, the period of effective execution of the custodial sentence, compared to the other two periods of the triad (the period before imprisonment and the one after release). The conclusion is that the actions to prevent the occurrence of the crime and the intervention to prevent recidivism are missing.

Regarding the intervention during incarceration, it is limited by a series of criteria: lack of resources for organizing qualifications according to the profile of detainees and the labour market supply, lack of own lecturers, impossibility of "qualification as a result of performing an activity during detention ", reduced job offer from other institutions-possible post-detention employers, lack of a service to provide post-detention assistance during the transition period between institutionalized and free person status, lack of monitoring and control of evolution after release, etc.

To better understand the context, here are some benchmarks from the national and international regulatory framework:

- in Section II Re-education of convicts, Article 5 of Law no. 23 of 18 November 1969 on the execution of sentences (The Great National Assembly, 1969) provided that: "Re-education of convicts is done through work. Convicts are forced to perform useful work for which they are fit."

- in the same text of law, in Section III The work of convicts and its remuneration, in Article 14 it was specified: "The convict who has served his sentence, after release will be employed by the bodies of the Ministry of Labour, Social Solidarity and Family and the districts directorates for labour and social protection at the executive committees of the county people's councils or Bucharest" (The Great National Assembly, 1969)

- the historical evolution imposed the modification of the normative act regarding the execution of the punishments, in accordance with the international regulations. Thus, the text of Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1955, p. 7) states: "Prohibition of slavery and forced labour". 2. No one shall be compelled to perform any forced or compulsory labour."

- the national legislation aligned to the international provisions, by Law no. 254 of July 19, 2013 (Romanian Parliament, 2013) provides work as an optional right.

The conclusion that emerges is the need of reflection on the adoption of preventive measures before and after the period of detention, also in detention to improve the infrastructure and the offer for qualification in order to occupy a job after the release, the reflection on the extension of education through work and occupational therapy.

5. Social entrepreneurship, a solution for social reintegration?

The generic view presented above urges to meditate on the identification and adoption of solutions to streamline the activities currently being supported and to create opportunities for the effective employment of detainees after the execution of custodial sentences.

Table 4. The evolution of lucrative activities carried out by persons deprived of liberty (PDL) during the period 2015-2019

Year	2015	2016	2017	2018	2019
PDL in service activities (remunerated)	3255 (11,48%)	2769 (10,08%)	2604 (11,10%)	2573 (12,37%)	2288 (11,11%)
PDL in service activities (unpaid)	5207 (18,37%)	5128 (18,67%)	5034 (21,46%)	x	x

Source: the data are presented in the annual activity reports of the National Administration of Penitentiaries (2017, p. 12, 2018, p. 25, 2019, p. 20)

Starting from the profile and needs of most of the prison population and the environment of origin, social entrepreneurship (through social enterprises and social insertion enterprises) could be a viable solution, both to prevent the occurrence of criminal acts and to facilitate post-detention reintegration.

It is worth thinking about the possibility of implementing social entrepreneurship during incarceration, with the possibility of obtaining qualifications, so as to give utility to the time spent in the penitentiary system, because social entrepreneurship is the business that aims to solve a social problem. At the same time, it would ensure the implementation of the 17 goals for sustainable development in the UN Agenda 2001-2030 , which prioritizes the elimination or reduction of intra- and inter-country inequities, inequalities and gaps: poverty eradication, hunger eradication, good health and well-being. , quality education, gender equality, clean water and sanitation, clean and accessible energy, decent work and growth, industries, innovation and infrastructure, low inequality, sustainable cities and communities, responsible consumption and production, climate action, underwater life, life on earth, peace, justice and strong institutions, sponsored to achieve goals.

Through its macro-social effects, social entrepreneurship can become the source of social welfare, contributing to increasing the quality of life.

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