

Work During and After Serving the Prison Sentence: Double Precarization in the Service of the Preservation of Capitalism¹

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Penal systems are not only mechanisms of social control, but also complex institutions that are deeply rooted in the wider socio-economic context. In various phases of capitalism, the prison system has functioned as an instrument of social control, which not only punishes, but also shapes and controls individuals, especially from the marginalized classes. Within this system, prison labor should be seen not only as an economic transaction, but as a form of unfree labor, thus perpetuating the cycle of poverty and criminalization. Neoliberal state policies often contribute to the precariousness of the prison labor force, using convicts as cheap labor. This kind of work usually includes low-skilled activities characteristic of informal, precarious jobs that are socially, legally and economically devalued. On the other hand, after release, the combination of social stigmatization, precarious employment and precarious conditions on the labor market (characterized by low-skilled, insecure and poorly paid jobs) creates fertile ground for further labor exploitation of ex-convicts. If they were not already part of the precariat, upon release, even if they had stable employment before serving their prison sentence, most ex-convicts face the challenge of concluding precarious work contracts, which further worsens their position on the social ladder. This paper contributes to the understanding of the complex interactions between penal systems and neoliberal practices, and explores the complex relationship between penal systems and capitalism, with particular emphasis on the impact of neoliberalism on prison labor and its role in the reproduction of economic inequalities. The aim of the paper is to show the way in which the double precarization of (former) convicts, both during the serving of the sentence and through reintegration and resocialization policies and inclusion in the

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labor market, contributes not only to the increase in the number of individuals who remain trapped in precarious positions on the labor market, rather, it enables the reproduction of neoliberal capitalist relations. In other words, this paper shows that the social and state attitude towards the prison population is only one in a series of gears that enable the preservation of the modern form of capitalism.

Keywords: *Penal systems, Precariat, precarious employment, Prison labor, Neoliberal capitalism*

Introduction

The relationship between penal systems and capitalism is a complex topic that has been researched for more than a century, and has become especially relevant in the context of global neoliberal transformations. Neoliberalism, as the dominant contemporary economic and ideological-political paradigm, shapes many aspects of social life, including the way penal policies are implemented and prisons are managed. The historiography of work in prisons points to several initial axioms. The first is that there has been prison work since the beginning of the prison as the institution, and the second talks about the nature and character of convict work that changes through different historical epochs, thus following the changing nature of the regulation of socio-economic relations. But before we briefly explain this, it is necessary to define the concept of prison work that will be used in this paper. By it we mean the work of the convict population in administrations for the execution of criminal sanctions (prisons) with the aim of producing goods and/or services that can bring economic benefits to various actors in and/or outside the prison, and which excludes daily and necessary work in the prison (such as cleaning the prison cells).

The wide spectrum of the history of work in prisons and the different forms it took, shows that the forms of punishment depend on socio-historical relations, i.e. that the forced labor of convicts in the nineteenth century and its various forms such as prison factories, prison farms, and the so-called chain bands also shaped the development of capitalism in certain geographical and temporal sections (Lichtenstein, 2011). With the change of capitalism, the development path of prison work, its character and role, as well as the discourse used to talk about it, also changed. Thus, in the nineteenth century, this work was viewed as a form of punishment, so that, initially with the understanding of work as a supplementary element of punishment, they arrived at the modern determination of the role of prison

work, which is characterized by the so-called non-punitive nature of the work. In other words, a path has been taken from a means of punishment and coercion to a method of treating convicts, aimed at resocialization and reintegration and professional training, and is based on the principle of reward (Ivanics, 2022; Pajić et al., 2012; Tanjević, 2019). However, this discursive change does not necessarily imply a humane change in the regime and the objectives behind them, and the compatibility of convict rehabilitation and economic exploitation of (cheap) labor is questionable. Namely, "Tóth (1886) stated as early as the second half of the nineteenth century, the question of prison labour, its regimes and goals behind, could only be examined substantively, if the interests of the different actors (the penal institution, private industry, the state and the society) are taken into account" (Ivanics, 2022, p. 62).

Regardless of the specific regime and form of prison work, i.e. regardless of whether there is a system of state use, a mixed (contractual) system in which prisons closely cooperate with private companies, or a leasing system, i.e. almost complete privatization of prisons (Ivanics, 2022), the prison industry is a full-fledged actor in the modern neoliberalized market. Even if we accept the thesis that the economic importance of prison labor is in the domain of production on the margins of global markets, there remain numerous open questions, only some of which are related to the issue of dignified work in prisons, the degree of mobilized coercion and work organization, the legal status of convict workers, issues of income and ways of disposing of income, differences compared to free labor outside prison bars, both in terms of fair and minimum wages, as well as in terms of the right to association, and whether labor in prison competes with free, cheap labor as a kind of internal "*offshore* labor enclaves" (Collins, 2024; Lichtenstein, 2011; Shang, 2018).

The objective of this paper is to show, but also to remind, that, despite the fact that prison work is most often framed as transformative and emancipatory, the issues of labor exploitation, undignified work, dangerous working conditions, and issues of class and racial dimensions, remain very current even in the neoliberal form of capitalism regulation of social relations. As some social geographers warn, prison labor is more or less not only exploitative or coercive, but comparable to other forms of the "free" (in)formal economy (Cassidy et al., 2020). Mass incarceration (hyperincarceration) in recent decades is closely related to the restructuring of the urban labor market, which at the same time represents a response to deindustrialization, but also helps to discipline the precarious, informal, occasional and illegal work that increasingly characterizes modern labor markets (Lichtenstein, 2011). Additionally, the obstacles they face,

marginalization, and (gender) stigmatization of former "rehabilitated" convicts, promote additional precarization. Therefore, it should be underlined once again, "the tendency to reduce prison labor to a simple economic transaction obscures its role as a fundamentally state-imposed form of unfree labor driven by both economistic and racialized social logics" (LeBaron, 2018, p. 153). The ethics of neoliberalism, which relies on the individualization of responsibility, often results in the stigmatization of already marginalized groups, while at the same time legitimizing the repressive measures of governments. In this context, the prison system becomes an instrument for managing social waste, and convicts are often seen as resources that can be exploited for profitability.

The structure of the paper is designed so that we first show different theoretical frameworks and empirical data that point to complex relationships between penal systems, neoliberalism and economic inequalities. After that, special attention was paid to the analysis of precarization as a central phenomenon that manifests itself through various forms of work inside prisons, but also after leaving them. Finally, although the scope of the paper precludes a more detailed presentation and analysis, we will also touch on how these processes intersect with issues of gender, race, and class.

Neoliberalism and the (political) economy of imprisonment

The relationship between penal systems and capitalism has preoccupied social theorists for more than a century. One of the first and more important structural explanations of the functions of prisons and prison labor in capitalism was offered by Georg Rusche and Otto Kirchheimer in 1939, pointing out that each social epoch has a penal system that corresponds to the prevailing economic needs and regime of capital accumulation, and that prison labor had a constitutive role in the creation of the capitalist social order and has its political and economic significance as an important part of state strategies aimed at implementing social and labor discipline. They will later, during the 1960s, inspire revisionist historiographers, who question the traditional narratives about prisons and argue that the dominance of prisons cannot be explained only by ethical or humanistic reasons, but that prisons are a functional part of maintaining social control and reproducing capitalism. The tradition of the materialistically oriented Rusche-Kirchheimer duo was the support for the emergence of radical criminology, which closely links the criminal justice system to the interests of the ruling class and serves to maintain inequality in society. Radical criminologists pointed to the correlation of economic conditions to the use of prison

sentences and showed that changes in economic relations, such as the relations between capital, labor and the state, have a direct impact on unemployment rates and incarceration rates (Ivanics, 2022).

We are well acquainted with the first major penal turn in the modern history of punishment at the turn of the 18th and 19th centuries in the writings of Michel Foucault, and this turn brought with it a more efficient system of penal authority and the fabrication of obedient individuals. Power began to manifest itself in the form of disciplining, subjugating, training and guiding the body, thus creating an economic type of punishment, which was fully compatible with the contemporary stage in the development of capitalism (Foucault, 1997). One of the last major modern penal developments, which is most obviously seen in mass incarceration, must be understood in the context of neoliberal globalization and the crisis of capitalism. The rate of incarceration in the United States began to grow exponentially in 1976 (Delia Deckard, 2017), when the neoliberal form of capitalist regulation of social relations began to decline on the historical stage. Punishment and the threat of punishment are becoming more and more necessary in order for states to maintain control over their territories, citizens, but also the so-called non-citizens (*denizens*³ (Standing, 2011)). The neoliberal imperative to which everyone aspires is to be a fighting member of society who is productive and efficient, and above all, cherishes the value of individualism. However, the rate of incarceration is not necessarily the result of the growing "criminality" of members of society, but reflects the shifts that occur in the penal solution of social problems, which were previously defined as problems by the social elite and those in power (Cassidy et al., 2020).

The ethics of neoliberalism rests on a strong individualization of responsibility, in the context of increasingly pronounced economic and social risks, where individuals must be sufficiently durable and able to survive. Moral autonomy is defined as an individual's ability to take care of his own interests, and moral behavior is reduced to a rational consideration of costs and benefits, while solidarity, social justice and social support are rejected as "cultivating dependence" (Pavićević et al., 2024). The idea of individual responsibility, which is often used as a justification for

³ Neologism from Eng. *deny* (deny, dispute) and Eng. *citizens* have a significantly more limited range of rights than citizens, all those who do not enjoy some of the basic civil rights: equality before the law, the right to satisfaction of cultural, social (social protection, pensions, health care), economic (the right to be paid for their work), political (the right to vote and participation in the political life of the community) needs. Non-belonging citizens are "supplicants", begging for favors and any benefits, and a special group of denizens is made up of migrants (Standing, 2011).

inequality, serves as a cultural trope that further marginalizes already disadvantaged groups, while at the same time legitimizing repressive measures taken by the state against them (Wacquant, 2014). As Wendy Brown has warned, *neoliberalism as a new way of thinking* is changing business practices, democracy, working life, political culture, vocabularies, education, and entering every aspect of life. Relying on and further expanding Foucault's notion of government and ways of governing, this American political scientist defines neoliberalism as more than statehood and political and economic rationality, as an all-pervading rationality, a comprehensive governance that goes beyond the market, and therefore has political and social implications. An important neoliberal transformation is also the one that resulted in a dramatic increase in the privatization of prisons in many countries. This transformation has affected not only institutions, but also individual rationality has been transformed by neoliberalism, on a micro level, which affects the lives of convicted persons, their families and the communities to which they belong (Clark, 2016). By using magic words like "rehabilitation" and "reintegration", the work and exploitation of prison labor is justified as enabling prisoners to be more resilient and to cope more easily after leaving prison, shifting the responsibility onto individuals and their families, and successfully rejecting any responsibility of the state.

The insight into transformations in the penal system at the dawn of neoliberalism offered by sociologist David Garland provides a significant analysis that encompasses a wide range of social changes that have shaped the way crime and penal policy are perceived in contemporary society. His claim about the rise of criminality, the decline of the importance of criminological studies and the growth of penal populism points to the complexity of the relationship between social factors and penal policies. Garland's focus on the rise of crime during the second half of the twentieth century emphasizes that the increased involvement of politicians in decision-making on criminal sanctions can lead to so-called *penal populism*, where punitive measures are often enacted in response to the pressures of public opinion, rather than as a result of thoughtful criminological research. Furthermore, he warns that the commercialization and privatization of penitentiary institutions can affect the quality of services provided to convicts and the general perception of justice in society (De Beir, 2023).

Unlike Garland, who attributes the punitive turn to late modernity and claims that neoliberalism is too narrow a framework for analysis, the French sociologist Loïc Wacquant sees neoliberalism as an engine for change, which is not only an economic model, but also a sociopolitical framework that shapes ways on which societies manage deviance and marginalized groups. As Wacquant points out, hyperincarceration (mass

incarceration and expansion of penitentiary institutions) is not a reaction to the increase in crime, but a response to social insecurity arising from economic changes, such as deregulation of the labor market and reduction of social protection. This change in the paradigm of penal policy indicates that instead of social integration of marginalized groups, the logic of segregation and punishment is increasingly applied. In other words, penal and social policy are closely related, because it is the state that manages social relations and replaces social policy with punishment. Even if we accept that there has been an increase in crime, it is a consequence of the fact that thanks to the neoliberal abolition of the former welfare state and the introduction of compulsory work for the compensation of welfare payments (the so-called *workfare*), members of the deprived urban precariat are more strongly directed to violence. According to Wacquant, the prison system disproportionately affects certain populations (in the USA it would be members of the African-American community) and represents nothing more than the continuation of historical patterns of racial discrimination, and the neoliberal penal policy perpetuates and deepens existing social differences. In this sense, the penal system becomes a tool for controlling and managing urban poverty (Lichtenstein, 2011; Pavićević et al., 2024; Petković, 2011).

In the European context and beyond, although incarceration rates are relatively lower than in the USA, there is a trend of increasing penal policies that rely on similar principles. This shift indicates that neoliberal ideas about penal policy and the management of social relations have become global rather than just local phenomena. As Wacquant points out, we are witnessing a "transnational policy transfer encompassing the flexible reorganization of the low-wage labor market and the restrictive *revamping of welfare into workfare* after the pattern provided by the post-Fordist and post-Keynesian United States" (Wacquant, 2014, p. 74). Additionally, we can talk about the similarities between convicts and free citizens to whom the workfare policy is applied. In both cases, work is socially, legally and institutionally constructed as penal, in both cases there is coercion of work, and the possibility to refuse a job or an employer is significantly limited. This leads to a lack of economic independence and the inability to enjoy the full rights and freedoms associated with substantive citizenship, despite having formal citizenship (Hatton, 2018).

Wacquant's idea of the invisible hand of the market calling to action the iron fist of the penal state (Wacquant, 2014, p. 79) provides a strong basis for understanding how neoliberal reforms manifest themselves in the form of the expansion of penal institutions. This phenomenon is not only the result of increased criminal insecurity but is deeply rooted in the structural changes that have taken place in societies (both in the center and on the

(semi)periphery of the world capitalist system) during the last decades. The key idea is that stingy "*workfare*" and generous "*prisonfare*" represent two faces of the same organizational device aimed at disciplining and controlling the poor. This duality is not accidental, it fits into the broader philosophy of moral behaviorism that seeks to shape the behavior of individuals through various mechanisms of reward and punishment. The introduction of strict police measures, rigorous judicial practices and the expansion of prison capacity is not a departure from neoliberalism, but a necessary means of it. Modern penal systems participate in a broader process of reengineering and remasculinization of the state. This process renders conventional divisions between social welfare and criminal justice obsolete, indicating that the police, courts and penitentiary institutions are not just technical tools for responding to crime. Rather, they represent key political capacities through which the state produces and manages inequality, marginality and identities (Wacquant, 2011, 2014).

Precariat and (market) exploitation of prison labor

In this chapter, we will show that prison labor cannot be reduced to an economic transaction, but represents a *fundamental form of unfree labor caused by the social and economic logics of the capitalist modus operandi*. Although some theorists compare prison labor to slave labor, international human rights documents and instruments do not equate prison labor with slave labor, nor with the internationally condemned version of forced labor or involuntary servitude. However, given that it is legally used in most prison systems, prison labor can be seen as a form of forced labor. In other words, although legal frameworks officially prohibit slavery and forced labor, states are allowed to impose labor on convicts as an "*exception to forced labor*." Some theoreticians even go so far as to claim that, although disguised, it is about the enslavement of people, because regardless of the fact that convicted persons receive a modest and insufficient compensation, they are the *property of the state* at the same time while serving their sentence. On the other hand, there are voices of theoreticians who emphasize the *control* (rather than ownership) of the labor force, which is prevented from entering the labor market under equal conditions with other market participants, proposing a broader definition of unfreedom that includes various types of unfree labor relations (not only prison labor, but also various modern precarious labor contracts, bonded labor, etc. are also included under the same umbrella). This dynamic within the penal system is shaped by the economic interests of the state, which actively creates a "new market" for the products of prison labor (Ivanics,

2022). Thus, in the second decade of this century, the majority of the over 2 million convicts who make up the convict population in the USA worked for the state and not for private companies, where the working conditions are often worse than if they worked for the private sector. Although earlier systems of prison labor were more strictly regulated, modern legal frameworks have enabled the profitable work of convicts, and a large number of them work on prison maintenance, without compensation, which is a form of unpaid work (LeBaron, 2018).

Although there are many changes compared to earlier periods of prison work, the essential retention and improvement of the market logic and market principle can be seen most clearly in the application of market discipline. Particularly in the USA, these principles are used to justify the division of labor and rewards within the prison system, promoting the idea that convicts should behave as disciplined market subjects. The focus of market discipline in these programs is formally more on maintaining order and control than on making a profit, but the essence is that market principles are used to shape the organization of prison work, emphasizing the importance of understanding the role of the market in controlling individuals in the prison system, and market ideas are increasingly more used in prisons to facilitate state control (Reich, 2024). Moreover, it is important to note that the *state can use labor both as a punishment and as a remedy*. If we look at the state's attitude towards migrants and convicts, we see that in the first case the state uses various forms of control, denial of opportunities and the right to work in order to punish, segregate, isolate and control immigration. In the second case, with convicts, work is used as a way of integration, transformation and rehabilitation. In search of unlimited capital accumulation, private companies try to take advantage of cheaper and more flexible labor, and prisons are a convenient solution. They contain obedient and cheap labor, and the prison itself turns into a kind of temporary labor agencies or subcontractors (Cassidy et al., 2020). Historically, slavery systems subjugated black people to force them to participate in the market as laborers. However, some authors talk about a contemporary alternative form of subjugation, which is a highly racist form of domination and exploitation and is linked to state strategies to maintain a disciplined workforce and market social order (LeBaron, 2018), and convicts even become *forced consumers*. Researchers in the USA introduced the concept of "*million dollar blocks*", wanting to highlight the connection between concentrated poverty, lack of resources and high costs of the penal system. These are city blocks and areas where the annual cost of incarcerating residents exceeds \$1 million, with a high concentration of formerly incarcerated residents. The very existence of these "million dollar

blocks" indicates an economic motivation for hyperincarceration. Mass incarceration can thus be seen as a means of social control in the face of growing inequality, but also as a way to force marginalized people to participate in the market as consumers rather than workers. This practice can be seen as an extension of historical methods that marginalized groups used to meet market needs. In other words, the current crisis of late capitalism is no longer a labor shortage, but a lack of demand, and increased government expenditures in the areas of criminal sanctions enforcement contribute to an increase in overall demand, where prison spending plays a key role without inflationary consequences (Delia Deckard, 2017).

The concept of the "prison industrial complex" additionally illuminates the economic dimension of the previously presented phenomenon. The privatization of prisons and the exploitation of convict labor by corporations is not only a moral issue, but also an issue of social justice. This dynamic indicates that penitentiary institutions have become part of a wider economic system that relies on the marginalization and exploitation of vulnerable groups (Koros, 2010). National and local governments often want to build prisons because they see them as a means of economic renewal, thus attracting new companies and creating local employment opportunities. However, there is a risk that economic interests will lead to tougher crime policies and increased incarceration, turning the prison industrial complex into a so-called prison (carceral) industry. In the USA, this type of employment system led to prisons becoming the third largest employer in the second decade of the 21st century, and in France there are examples of local authorities agitating for the construction of new prisons for the sake of "economic reconstruction" of the system (De Beir, 2023).

Additionally, prison systems represent just one more link in the chain of neoliberal market policies. States that have implemented neoliberal measures have faced increasing inequality, a dual labor market, the growth of power and wealth of the upper class, the decline of wages and living standards, privatization, financial instability, the growth of unemployment, insecurity and the reduction of all forms of social protection. In short, precarity is becoming the new normal. Precarity represents general insecurity, which is the result of the forty-year hegemony of political and economic neoliberalism. Although precariousness also existed in the previous stages of capitalist production, in the previous stages of the development of capitalism it was linked to the crises of this socio-economic system (every time capitalism fell into a crisis, workers easily became redundant, and the position on the labor market became more precarious), but in the contemporary neoliberal form of capitalism, precariousness becomes a norm without which the system could not function, and the

process of precariousness cuts the social structure vertically (Marković, 2019, 2020, 2023). The reduction or abolition of state social services ultimately leads to the disciplinary regulation of poor workers, who are replaced by "rehabilitated" convicts ready to work for minimum wages (Pavićević et al., 2024, p. 101).

In Foucault's and Wacquant's framework, prison can also be seen as a tool of government to manage marginalized populations (Koros, 2010). Crutchfield's (Robert Crutchfield) hypothesis is famous, which shows that within the dual labor market (especially young people) engaged in the secondary labor market are more prone to criminal activities than those who work in the primary labor market, in more stable jobs. At the end of the last century, this American sociologist showed the existence of a positive correlation between the time spent outside the labor market and criminal activities, and if employees expect a longer working relationship, the tendency to criminality also decreases (Crutchfield & Pitchford, 1997). In this framework, hyperincarceration in the last three decades can be linked to changes in the labor market, especially in response to deindustrialization. The penal system, primarily through the absorption of the unemployed, contributes to the regulation of the lower sectors of the labor market, and former convicts, after leaving prison, enter the labor market as marginal workers who are subject to exploitation. Given that the prison population can artificially reduce the unemployment rate, economists and sociologists point to insufficiently researched incarceration processes over the past three decades. In states with the highest number of convicts, criminal justice funding has shifted resources to rural and deprived areas. These areas actually profit from prisons that serve as "social waste management facilities". In this way, especially "American prison apartheid" depends on a precarized labor force, which is predominantly made up of the African-American and Latino population, which contributes to the economic survival of rural whites, and the state effectively monetizes otherwise "economically worthless" segments of the population (Delia Deckard, 2017; Lichtenstein, 2011).

The dominant narrative, which was uncritically accepted until recently, is that education, work and professional training of convicted persons play a key role in reducing recidivism (Ilijić, 2014, 2022; Pajić et al., 2012; Tanjević, 2019). Working in prison supposedly brings benefits at the micro, meso and macro levels. At the micro level, the focus is on structuring daily activities, which contributes to the development of responsibility, self-discipline and social relationships. At the meso level, prison labor brings positive effects to the prison system, including economic gain and maintenance of discipline. On a macro level, this activity helps in the

resocialization of convicts (Ivanics, 2022). The most recent results of research in Serbia show that convicts who are engaged in work have a better assessment of various aspects of life in prison, including harmony, professionalism and contact with family, security, well-being and development (Ćopić et al., 2024).

However, global dissatisfaction with the results of resocialization programs is increasingly leading to a reevaluation of existing programs and systems. The rehabilitation ideal has been replaced by new methods of penal control, in which the public-private strategy is focused on savings, and the penal policy is privatized (Pavićević et al., 2024). Criticism also refers to the ineffectiveness of training in prisons, which often does not provide the necessary skills for reintegration into the labor market. Although there are positive examples of prison work reducing recidivism, the skills acquired are often insufficient and focused on low-skilled jobs, which can negatively affect the readiness of convicts to work outside prison. In other words, the main motives behind prison work are profit and engagement rather than rehabilitation, which casts doubt on the actual effectiveness of such programs (Cassidy et al., 2020). Critical criminology also points to the incompatibility of the moral nature of work, as understood by European liberalism, with the reality of many countries marked by traces of slavery and colonialism, together with neoliberal capitalism. Representatives of this movement claim that working in prisons does not lead to adequate compensation or emancipation, but rather neutralizes and stigmatizes convicts, who are often exposed to the worst living conditions. In addition, critical criminology reveals the inefficiencies of prisons and the way capitalism affects notions of work, particularly by analyzing women's prisons. The androgynous character of the law is noticeable in them, and the jobs in prisons themselves are mostly focused on "housework" with low or non-existent compensation. As a result of patriarchal repression, representatives of critical criminology claim, training is not adapted to women, which makes it difficult for them to integrate into the labor market and achieve financial security, and the moral imperatives of women as housewives further distance them from the objectives of resocialization and emancipation (Dutra, 2021).

Before moving on to the different models of prison work that exist in practice in different countries, it is necessary to briefly show how wide a variety of jobs are performed by convicts around the world. In fact, there is insufficient knowledge about the variety of jobs in prison institutions, and even less research on the views of prisoners about the jobs they are engaged in. The United States prison system, the largest in the world, uses a combination of exploitation and rehabilitation to secure political and

public support for the resources needed to "manage" convicts. Prison agriculture is particularly illustrative, linked to racial capitalism and the criminalization of poverty, leading to the exploitation of convicts on plantations (Chennault & Sbicca, 2023). One of the cases that attracted a lot of public attention in the USA is the case related to the Whole Foods company, which in 2015, after the protests held in Houston, decided to sell products such as cheese and fish produced by convicts in prisons (Feldman, 2020). In the United Kingdom, jobs performed by convicts range from basic domestic work within prisons to providing services to other government institutions, such as processing industrial laundry for prison or hospital complexes. Also, there are private companies that hire prison labor for routine and low-cost jobs, such as packing books or assembling headphones (Cassidy et al., 2020). American and British convicts are not the only ones working to produce commercial goods; convicted persons in Russia, China, Thailand and other countries are also involved in work for private firms (LeBaron, 2018). In Serbia, convicts are mostly engaged in horticulture as a form of employment. Convicted persons work in gardens and on agricultural land, producing fruits, vegetables and grains, which are used to feed themselves and the employees of the prisons. In addition, there are long-term collaborations with various institutions and companies, and convicts often work on landscaping jobs outside the prison, such as afforestation and maintenance of public flower gardens (Pavićević et al., 2024).

It is particularly interesting to look back on the exploitation of convicts in times of crisis, who were hired as "cannon fodder", on the so-called 3D jobs (*dirty, dangerous, demeaning*). Thus, for example, the state of Arizona (USA) has a program (Inmate Wildfire Program) in which a certain number of convicts are engaged in fighting fires across the country. Convicts are thus forced to face a paradox: while their deeds are commendable and of vital importance to the community, their rights and well-being are often neglected. Hiring convicts brings significant financial savings to the government, but this should not be a justification for their exploitation (Feldman, 2020).⁴ Moreover, some authors talk about the phenomenon of "climate carceralism", which reflects the complex interdependence between the economic benefits for the state and the human rights of convicted persons. It is about convicts being used more and more in situations when the recruitment of civilians stagnates in crisis situations,

⁴ The quote from one of the convicts involved in crisis situations is illustrative: "I saved lives as an incarcerated firefighter. To California, I was just cheap labor" (Mota, 2020).

which results in serious ethical and social issues. Thus, the state of California (USA) saves hundreds of millions of dollars a year by using convicts as firefighters ('Climate Carceralism', 2023). The issue of climate carceralism also relates to the broader context of climate change and its impact on human society. As natural disasters increase due to climate change, states are expected to seek new ways to manage resources and human labor. This approach can result in an increasing reliance on convicts, who are often seen as a readily available source of labor in crisis situations. Even a domestic example is illustrative, where during the COVID-19 virus pandemic, members of the "Posle kiše" ("After rain") association helped the Kragujevac Clinical Center, risking their lives in the red COVID zone.

Models of prison work and privatization of the prison industry

The role of the private sector in the prison industry has become an increasingly important topic in contemporary research into prison work and prison management systems. This phenomenon is not new, but can be traced back to 1930 when the International Labor Organization (ILO) adopted the Convention on Forced Labor (Thalmann, 2004). Within this convention, the ILO differentiated three basic prison labor systems: the contract labor system, the piece rate system, and the state management system. These models provide a basis for understanding how approaches to prison work have developed over time, and how they have adapted to economic, political and social contexts. The first system, the system of state use, represents a model in which the prison organizes the workforce, and the products are used exclusively for the needs of the prison or other public bodies. The second system, the contract system, means close cooperation between private companies and prisons. In this model, private companies undertake to hire convicts to perform various jobs, often with profitable arrangements. Finally, the leasing system is a model in which the management of the prison workforce is completely outsourced. Apart from these basic models, it is important to mention other forms of organization of prison work, including the system of public works and work outside penitentiary institutions, as well as mixed systems (Breysem, 2018; De Beir, 2023; Ivanics, 2022; Uzelac et al., 2008).

When it comes to different models of privatization of prison work, we can distinguish between two basic models - the British and French models. British model, dominantly represented in the United Kingdom, the United States of America, Australia and South Africa. This model, as well as all its variations among the countries in which it is applied, in principle allows

private companies to manage the prisons entirely, including responsibility for the safety of the inmates. In this structure, the state retains certain authorisations, especially those related to judicial proceedings. This division of responsibilities may seem functional at first glance, but it is actually prone to numerous problems. First of all, the main motive behind the privatization of prisons within the British model is economic - private companies are motivated by profit, which can lead to situations where profit is more important than the rehabilitation of convicts. For example, a payment system based on the number of prisoners may encourage private companies that hire prison labor to favor filling the prison capacity, which may result in a longer stay of prisoners in correctional institutions, which is not in accordance with modern principles of rehabilitation, reintegration and inclusion in society. On the other hand, the French model originally appeared in France and has since been implemented in several other countries such as Brazil, Chile, Germany and Japan. The French model is characterized by a combination of the public and private sectors, where private companies take over certain functions, while the state leaves key aspects of governance and security to itself. This approach may seem attractive because responsibility for core functions is retained by state authorities. However, in practice, such a mixed system can lead to ambiguities in the division of responsibilities, which can hinder the effectiveness of management. For example, if private companies are responsible for some services and the state for others, there may be situations where responsibilities are shifted from one to the other, leaving convicted persons without adequate protection or rehabilitation. In addition, it is necessary to consider the ethical aspects of the privatization of prisons. In the British model, where profit is openly the primary motive, the human rights of convicted persons may be violated. The quality of services may be lower and conditions in prisons worse, which may lead to an increase in violence and disorder within the prison system. In this context, research has shown that private prisons often have higher rates of violence and fewer opportunities for rehabilitation compared to state prisons. The French model, although it may be more attractive in terms of retaining state responsibility, also has its weaknesses. For example, although the state is expected to provide security, but again private companies have an interest in minimizing costs, which may result in a reduction in the number of guards or a reduction in the budget for rehabilitation programs (Breyssem, 2018). Another typology of convict labor management in privatization systems is the division into the customer model, the employer model, and the workforce model. The customer model implies that the private sector buys convict's products for resale. In the employer model, private companies directly hire

convicts. A workforce model, where state services manage convicts while private companies oversee work processes, can act as a middle ground, but here too the question of accountability arises. In other words, when the penitentiary sector is (fully) privatized, the question arises as to who actually bears the responsibility for the rehabilitation of convicts and ensuring their work rights. In the system of privatized prisons, private companies take control of work processes, which can lead to neglect of ethical standards and human rights of convicted persons. In this context, the importance of proper regulation and oversight becomes apparent, to ensure that private companies do not put profits before the rights of convicted persons. A comparison with the convict leasing system from the past decades is an illustrative example. In that system, private contractors paid the state for the use of prison labor, while today the opposite trend can be observed, where the state pays private companies. This change paradigmatically shifts the focus from the rehabilitation of convicts to the profitability of private firms. Violation of labor rights of convicts, as well as their exploitation for minimal compensation or even no compensation, becomes an inevitable issue that must be raised within this system (Breysen, 2018).

Finally, the arguments for and against the privatization of prisons and the inclusion of the private sector in the prison industry can be summarized as follows. One of the most frequently cited arguments in favor of prison privatization is the potential for cost reduction, as it is estimated that private prisons often achieve savings of 10 to 15% compared to state prisons. However, the problem is that cost reduction should not come at the expense of the quality of services and the safety of convicts. Proponents of privatization often argue that the private sector can provide convicts with the skills needed for employment after release. Research shows that convicts who participate in work programs are less likely to reoffend. However, critics point out that many convicts who participate in these programs already have previous employment, which can skew the results. In addition, prison work often consists of low-skilled jobs that do not provide real marketable skills. Also, the low wages that convicts receive can affect the price of work outside of prison, which further complicates the already tense situation on the labor market. One of the most important arguments against the privatization of prisons is ethics. The fact that private companies profit from fines and prison services is questionable, to say the least. In other words, the question that arises is whether it is right for profit to be the main motivator in a system that deals with human freedoms and punishments? Additionally, prison privatization can lead to "creaming", where private prisons focus on "easier" convicts, leaving state prisons with "harder" cases (Thalmann, 2004).

Legal, ethical and social aspects

The issues of the right of convicts to work, as well as the rights arising from their employment, are becoming more and more relevant and complex. Understanding these rights requires a detailed consideration of both legal and ethical aspects related to convict labor. The fact that the level of rights based on convict labor is often significantly lower than the rights of free workers points to deep systemic deficiencies that should be addressed.

Although the situation varies from country to country, the common denominator is that there is concern about the living and working conditions of convicts involved in labor process activities. There is evident resistance to the formalization of work contracts for convicts. This practice may jeopardize their ability to exercise basic rights available to other (non-incarcerated) workers. This is not only a legal issue, but also an ethical and social issue. As we have pointed out several times, these individuals are often faced with precarious working conditions and the inability to realize their full potential as a workforce, and risk being exposed to exploitation, which further worsens their already difficult circumstances. Also, issues such as adequate compensation and paid leave represent a serious challenge in most systems, and concern basic human rights. Convicts who work deserve compensation that is not only symbolic, but allows them a dignified life and even the possibility of saving or sending money to their families. Additional problems are related to inadequate payment of overtime and compensation for work injuries. Also, the rights to paid leave, which are provided to all other employees, are necessary in this case in order to facilitate periodic vacations and rehabilitation, which would contribute to better mental and physical health of convicts. Finally, the negation of collective rights, such as the right to organize a trade union, represents another aspect of this complex problem. This exclusion not only prevents convicts from voicing their needs and complaints about working conditions, but also reduces the opportunity to participate in collective negotiations that could lead to improvements in their rights and working conditions. Simply, convicted persons are not considered "employees" in the classical sense, which creates legal obstacles for their access to the collective rights enjoyed by free (non-incarcerated) workers. However, international standards such as those set by the United Nations, the International Labor Organization (ILO) and the Council of Europe clearly indicate the need to review these legal frameworks. (Aguiar et al., 2022; Robin-Olivier, 2024; Shang, 2018).

If we are talking about privatized prison complexes and the so-called private prison industry, which has experienced expansion in recent decades, it is not rare to hear criticism directed at the account of the dehumanization of convicted persons. The basic question is to what extent convicts, who are already vulnerable by the nature of their situation, are additionally endangered in systems that favor profit over human rights. Although international instruments, such as the Universal Declaration of Human Rights, insist on respecting the dignity and rights of all individuals, their application in private prisons remains questionable. The legislative framework, including the International Convention on Forced Labour, which relies on clearly defined exceptions, provides some protection to convicts. However, these instruments are often too general and do not directly address the problems posed by the privatization of prison services. For example, Convention No. 29 allows convicts to work under certain conditions, but does not take into account situations in which convicts are forced to work due to pressure from private companies that pay attention exclusively to economic profit. This situation can create a legal gap where private institutions can be exempted from liability (Breysen, 2018).

Precarization of former convicts

The problems faced by ex-convicts are not only formal and legal, but deeply rooted in social norms and values that often marginalize and stigmatize this population. One of the key aspects of post-penal reintegration is the understanding of parallel life, where informal value systems and formal norms collide. Ex-convicts often face obstacles that result not only from their previous crimes, but also from the cultural stigma that accompanies them, and a criminal record significantly reduces an individual's bargaining power when seeking employment. For some, this situation is further complicated when we consider that some ex-convicts are deprived of the right to work, which creates a triple obstacle in the post-penal situation: lack of accommodation, social stigma and legal deprivation of the right to work. Research has shown that ex-offenders and convicts encounter a number of obstacles in the employment process. Employer's negative attitudes toward this population often result in reduced employment opportunities, erosion of work skills, and weakened labor market connections. Due to low wages and insecure jobs, ex-convicts find themselves in a vicious circle of precarization, where options for legal and stable work are very limited. Low self-confidence and pessimistic expectations regarding their own capabilities further complicate their access to the labor market. Additionally, many ex-convicts face digital illiteracy,

which makes it difficult for them to access modern technology-based forms of employment. All of this can potentially push ex-offenders into unemployment, criminal activities and/or entering the gray or black labor market (Batrićević et al., 2020; Cassidy et al., 2020; Durnescu, 2019; Shoham & Haviv, 2024). In this way, precarization is twofold, first individuals are additionally precarized by the jobs they perform in penal correctional institutions (which we talked about previously), and then when they are released, the precarization continues and intensifies.

One of the main arguments for the introduction of various job training programs in prisons is that later reintegration into the labor market reduces recidivism rates, and the latest research into the effects of job training programs conducted by the Israeli Prison Service showed that recidivism rates remained relatively constant, but that there is a positive impact of the program on other aspects of the participants' lives, such as employment stability, income level, involvement in paying taxes and using social services (Shoham & Haviv, 2024). An ethnographic study conducted in Romania between 2014 and 2016 provided significant insight into the complexity of employment pathways for ex-convicts, highlighting the direct link between personal and social capital, available resources and the environment in which participants live. This analysis not only illuminates the obstacles ex-convicts face in the labor market, but also the differences between different groups, especially in the context of Roma and non-Roma populations. Basically, the results of the study showed that the process of reintegration into the labor market for ex-convicts does not depend only on their individual motivation or ability, but also on the wider social structure and support networks available to them (Durnescu, 2019).

The gender dimension is particularly important in this context. A study in Chile analyzed the employment patterns of 207 women during the first year after their release from prison, revealing significant heterogeneity in employment trajectories by type of job, but also highlighting the limited overlap between criminality and employment despite high levels of labor market marginalization. These findings highlighted the complex nature of the problem of reintegration for female prisoners, which can be subject to severe structural barriers that extend far beyond the moment of release. One of the key insights is that many of these women are forced to rely on precarious jobs that are poorly paid and without prospects. This phenomenon can be related to Crutchfield's previously stated stratification hypothesis, which suggests that the types of jobs available to individuals after leaving prison depend on their previous employment and educational level (Larroulet et al., 2023).

Beyond the aforementioned economic barriers, critical criminology offers a deeper understanding of the patriarchal structures that shape women's experiences in prisons. In the Brazilian context, as a recent study has shown, prison institutions are organized in a way that does not meet the specific needs of female prisoners. Conditions in prisons, including poor infrastructure and a lack of appropriate programs, make the process of resocialization difficult. The programs that are available often focus on domestic work, and the skills that female convicts are trained for through such programs are far from those that could ensure successful reintegration into the labor market after leaving prison. Additionally, the very idea of resocialization through prison work often proves to be illusory, and the policies of the prison system reproduce patriarchal repression, leaving women to struggle with systems that were set against them from the start (Dutra, 2021).

Conclusion

The prison system is more than a simple institution for punishment. It is deeply rooted in the capitalist framework and functions as a means of controlling and managing the workforce. Even Friedrich Engels pointed out that capitalism needs a complex justice system that will regulate the workforce, and prison can be seen as one of the mechanisms through which socioeconomic dominance is maintained (Petković, 2011). In this sense, prison becomes a space that not only punishes, but also disciplines, shapes and controls individuals, especially those from marginalized social strata. The structural crisis of capitalism, which led to the collapse of the social welfare state and the policy of state interventionism of the 20th century, resulted in the birth of a neoliberal form of capitalist regulation. The process of precarization is necessary for contemporary neoliberal capitalism in order to successfully continue the accumulation of capital. The relationship between penal systems and capitalism is a complex and multi-layered analysis that requires careful consideration of various theoretical frameworks and empirical data. In this paper, key aspects of how penal systems reflect and shape social, economic and political dynamics within the capitalist order are explored, with special emphasis placed on work during and after serving a prison sentence. Through the prism of various theorists, it has been shown how penal systems function as instruments of social control, but also as means of reproducing economic inequality and the neoliberal form of capitalist regulation of social relations.

Despite the many changes that have occurred in the way penal systems are organized and implemented, the basic function of prisons as a mechanism for disciplining and subjugating remains unchanged. This function is particularly manifested through neoliberal reforms, which have led to an increase in incarceration rates and the transformation of prisons into instruments for controlling poverty and marginalized groups. Neoliberalism is reflected not only in the increased privatization of prisons, but also in the ways in which prison work is organized. Many convicts face working conditions that are far from what they could expect in the free market, leading to further marginalization and exploitation. Additionally, it is shown that prison labor cannot be understood only through the prism of economic transaction, but as a fundamental form of unfree labor, which is deeply rooted in the logics of capitalism.

In order to better understand the effect of prison work on convicted persons, it was necessary to consider the precarization that occurs both inside the prison and after their release. Precarization in this context represents a double process, where individuals face various forms of labor exploitation while in penal correctional institutions, and when they are released, stigmatization and discrimination await them, which further complicates their return to society. In this way, the prison system not only creates precarious working conditions inside the prison, but also contributes to the further marginalization of ex-convicts, thus perpetuating the cycle of poverty and criminalization.

The limitation of the scope of the work prevented a more detailed commitment to the gender dimension of the analyzed problem, but there is certainly room for further problematization of this issue. Finally, it is important to recognize the ideological fallacy that suggests the existence of two separate worlds: prison life and free life (Lichtenstein, 2011). These worlds are actually intertwined and the boundaries between them are very porous. Most convicted persons eventually return to society, often with a stigmatized identity and limited opportunities for reintegration. Only through such a comprehensive understanding, it is possible to achieve a society in which each individual destiny is respected and valued.

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