

## **From 'the New Man' to Care-Leaver Activists – communist and contemporary discourses shaping fifty years of leaving care in Romania**

### **Abstract**

This paper explores discourses that have informed debates concerning care leavers in Romania over the last 50 years to understand why rights-based reforms introduced in the mid-2000s have been difficult to implement. The discussion is based on the analysis of a maximum variation sample of 40 documents published between 1951 and 2018. Across two historical periods during and after communism, framed by three political events which changed significantly the context of public childcare and leaving care, this paper explores how dominant discourses on 'public childcare', 'care leavers' and 'children's rights' have evolved, what mechanisms established them and with what consequences. The analysis revealed the stealthy presence of a 'dinosaur discourse' of deficit and 'undeserving', unsuccessfully challenged by the rights discourse, which alongside a neglectful attitude to social protection, informs the practice and ultimately the experience of public childcare and leaving care. However, the growing and increasingly clear voice of care-leaver activists counterbalances this through a new narrative of strengths, value and capability aiming towards concrete change from below. The paper proposes a number of 'absent discourses' that could offer a powerful context for this new voice and avenues for meaningful action, with implications for research.

**Keywords:** care-leaver activists, children's rights, communist childcare, discourse, history, Romanian care leaving

## 1. Introduction

*'Leaving care means being abandoned, we have nobody... I drink water to fool the stomach...sometimes I feel like screaming in my room...you think of suicide, I felt like that numerous times...these days I feel I hate people. I lost all trust!'*

(Constantin, an award-winning young man discharged after 21 years of care despite reading for a PhD and being entitled to extended care until 26. His early discharge on account of funding shortages deprioritised the law (in Serb, 2016)

In this article I explore the discourses that have informed debates concerning care leavers in Romania over the last 50 years, to understand why reforms introduced in mid-2000s have been difficult to implement. A policy-experience gap is recurrently captured by commentators documenting the desperate situation care leavers are in (Diaconu, 2013; Stanescu, 2013; Collins-Sullivan, 2014; Balan *et al*, 2016; Serb, 2016; Trif, 2018; Alexandrescu, 2019). Constantin's quote illustrates the inequality of opportunity which, more than a decade since the ambitious 2004-2007 childcare and welfare reform, still jeopardises these young people's wellbeing and the fulfilment of their potential. The reform introduced a comprehensive rights-based childcare legislation which included: methods, tools and infrastructure for early preparation; extended care on request until 20 to all or 26 if in full-time education (Law 272/2004, art. 55.2); priority for housing and employment (Law 116/2002); frontline practitioners trained in theory, children's rights and child-centred practice (Order 48/2004); monitoring; and a service for developing independent living and social integration skills (Order 14/2007).

Yet, Constantin's story is not unique or rare. Young people continue to report perilous transitions from care and little professional care-leaving support, relying instead on their informal but *ad-hoc* social networks (Stanescu, 2013; Balan *et al*. 2016; Trif, 2018). They self-isolate to prevent societal stigma (Collins-Sullivan, 2014) and feel abandoned and suicidal (Serb, 2016; Alexandrescu, 2019). Access to legal benefits is either preferential (Trif, 2018: p), discretionary (Alexandrescu, 2019), or blocked by institutional discrimination (Botonogu *et al.*, n.d.). A lack of monitoring and service evaluation maintains a veil over what happens to them post-care.

It is important to understand what causes the policy-implementation gap and to identify meaningful action. In this article, I look beyond structural factors such as the post-2008 funding cuts and gaps in available staff and services. Resources are a problem, and not a trivial one. However, in this article I focus on a stealthier mechanism shaping practice and resource investment i.e. the discourses informing public childcare and leaving care practices today, and their origins. The two discourses are on a continuum and concurrently affect the life course of children and young people living in care and leaving care. Reviewing recent Romanian literature, I observed a frequent language of deficit and 'undeserving' unchanged since the 2004-2007 reform and earlier. These monotonous descriptions raised my interest in the role discourse plays in practice quality and in reversing the inconsistency of policy implementation.

Discourse is a powerful mechanism through which institutions (e.g. public childcare) construct and impose particular 'truths' or forms of knowledge about individuals, groups or phenomena, by building social identities and worldviews and shaping practices and attitudes (Chambon, 1999; Allan, 2013). Institutions normalise the dominant discourse through their

power to produce meaning and to undermine counter-discourses. Those in the discursive field will inevitably form a worldview informed by the discourses dominating their historical time and place (Jones and Bradbury, 2018). In order to understand how the present has come about Foucault suggests a genealogical approach: using history to study the beginning of the structures and discourses which inform contemporary practice, in order to reveal the continuities and discontinuities among the ideas and practices of a field (Chambon, 1999).

Exploring the dynamics of public childcare discourse in Romania over the last 50 years is relevant given the country's transition in 1989 from communism to democracy and a free market economy. In this process, public childcare precariously moved from a paternalist/collectivist to a rights-based framework of care (Anghel & Becket, 2007). Transitioning between these contrasting ideologies has been difficult and protracted. Two reforms took place in 1997 and in 2004 largely framed by the negotiations for EU accession. Building on Bridges' (1995) distinction between change and transition, where change can be instant whilst transition is a process of affective and conceptual adjustments, I observed that key to these complex structural and discursive transformations was the transition of the frontline practitioners (Anghel & Becket, 2007; Anghel, 2011). Their training needs however were insufficiently invested in, a pivotal factor in this process thus being missed.

Yet, frontline practitioners hold a strategic position in operational policy due to the discretion invested in their role (Wright, 2006). Depending on their work conditions and on the clarity of policy, they 'make policy' either by implementing and filling in the gaps for the benefit of the service users, or by subversion, undermining it, overlooking priorities, or using favouritism (Evans and Harris, 2004). In the 1990s, Tomescu-Dubrow (2005) observed that rushed governmental decisions and a lack of coordination and accountability often resulted in perpetually patching up negative side effects. After 2008, the lack of resources and accountability led to a subversive use of discretion (Botonogu *et al.*, n.d.). Recent research indicates that policy is often disregarded and even undermined (Trif, 2018; Alexandrescu, 2019).

Are practitioners and decision makers engaging with rights-based concepts whilst unwittingly guided by unacknowledged discourses of deficit and undeserving? This is a reasonable question, as the new childcare discourse was constructed through rapid transformations, reactivity, conceptual inflation and extrinsic pressures, whilst immature in research and praxis. This might have only generated surface changes vulnerable to reversal and masking an undercurrent of ideas originating in communist ideology and practice which continue to conflict with contemporary policy.

In posing the question: what discourses shape today's practice and experience of leaving care, and how did they evolve since public childcare was set up during communism and later reformed under the children's rights agenda?, I will explore dominant, resistant, marginalised and absent discourses developed over 50 years (outlined in Table 1).

Internationally, there is increased interest in looking at contemporary social work practice through a historical lens to '*face up to discrepancies, discontinuities and disharmony*' (Lorenz 2007, in De Wilde, 2020:2). In Russia, Werry (2005) found that soviet utilitarian, paternalist, and collectivist ideas are still informing the childcare system and stagnating reform. To my knowledge, this investigation of the discursive origins of Romanian public childcare and leaving care is an original approach.

## 2. Methodology

In this article I have combined the applied thematic analysis method (ATA) (Machieson, Shlonsky and Connolly, 2018) for rigour in preparation and process, with critical frame analysis (Spencer, Corbin and Miedema, 2018) and the work of Park, Crath & Jeffrey (2018), for a sharper focus on discourses, their mechanisms and consequences. The analysis traced the social construction of three key concepts:

1. *Public childcare* – the nature of state care; concepts framing care and its objectives; models of practice, care roles and culture
2. *Care leavers* – how they were/are conceptualised within and outside care
3. *Children's rights* – evolution in Romania; legislation; reactions; impact on practice

I also explored three historical intervals: Communism: 1948 – 1989; Post-communism: 1990 (UNCRC signatory) to 2007 (EU membership; financial crisis); and 2008 – 2018.

Documents were searched online and in the Bucharest Central Library archive. Romanian keywords were identified iteratively using snowballing to access folders and documents until saturation. The online search included search engines, academic databases and targeted journals. A sample of 40 documents was selected based on the three key concepts and their descriptions and the time intervals identified above.

The dataset spanned the public, professional, policy, academic and social domains and included: research-based books, academic articles by Romanian and Western researchers, doctoral theses, local and international newspaper articles (since 1990 international media played a powerful role in stimulating interventions in the Romanian childcare system), care leaver activist blogs, governmental documents; and European Commission country reports. Whilst the data quality is mixed, I aimed for maximum variation of data sources to avoid eschewed perspectives.

The analysis included reading the Romanian dataset and making thick annotations in English, whilst paying attention to the validity of meaning across historical times and cultural vocabularies. These were further reduced inductively into themes and categories (Machieson, Shlonsky and Connolly, 2018). The communist data separated into two dominant discourses: *aspiration* (ideal expectations) and *reality* (of practice and experience). However, the much richer post-1989 literature, when voices diversified generating multiple competing discourses, required a more nuanced focus on discourses. The following critical questions guided my analysis:

- What discourses circulated during and after communism on 'public childcare', 'care leavers', and 'children's rights'?
- What were the continuities and discontinuities?
- Which discourses were dominant / resistant / marginalised / absent?
- Who maintains these discourses, by what mechanisms, and with what consequences?

This analysis is the work of a sole researcher representing one way of seeing the data. Additionally, limited communist literature offers only a starting point into analysing whether there is a continuum between communist discourse and contemporary practice. Reflexivity

and verification with other researchers were employed to check the validity of my interpretations.

### 3. Discourses, Mechanisms and Consequences over 50 years of Public Childcare and Leaving Care

The key findings are organised in Table 1. Across two historical periods, framed by three political events which changed significantly the context of public childcare and leaving care, I explore how dominant discourses on ‘public childcare’, ‘care leavers’ and ‘children’s rights’ have evolved, what mechanisms established them (e.g. voices, discursive practices, systemic architecture), and with what consequences (e.g. implementation, impact on care leavers’ lives, resistant and marginal discourses). The arrows show the dynamic of the discourses across the selected historical intervals. The table illustrates how, after 1989, the almost unchallenged communist discourse encountered competing narratives, which iteratively attempted to replace the dominant conceptualisations derived from it, with mixed results. Proposed absent discourses indicate potential avenues for contemporary action.

**Table 1: Trajectory of discourses during and after Communism**

	1966	1967-1989	1989	1990-2007	2007	2008-2018
<b>Dominant Discourses</b>	<i>Decree 770 banning all forms of birth control</i>	<b>Aspiration</b> Childhood: the making of the ‘New Man’ State: can optimally replace the family Public childcare: educational and scientific  Children in care: ‘deficient’ Parents: ‘problem / disorganised families’	<i>Fall of Communism</i>	<b>Aspiration:</b> Children’s Rights  State Care: shameful communist ‘inheritance’  Institutionalised children: ‘severely damaged’	<i>EU membership / Global financial crisis</i>	Care Leavers: ‘problem’
<b>Resistant Discourses</b>		(by 1980-1989)  Public childcare infrastructure and methods: do not work!		Responsibilities, not just Rights!  Care Leavers: ‘problem’		State: neglectful  Care Leavers: able and valuable
<b>Marginalised Discourses</b>				Care staff: responsible, but knowledge deficit  Care Leavers – people with valuable assets		Structures: the actual deficit!  Children’s Rights
<b>Absent Discourses</b>		Numerous structural barriers		Care Leavers’ task: reduced to survival		- Social solidarity contract - Care leavers: Romania’s youth - Intersectionality

#### 3.1. The Discursive Foundations of Romanian Public Childcare: 1967-1989

The four publications reviewed for this historical period addressed: the transition from capitalist to socialist public childcare and its aspirations (Nesslerode, 1951); the socialist system’s infrastructure (Ionescu, 1969); the expectations placed on the Romanian ‘industrial youth’ (Badina and Mamali, 1973); and the quality of care highlighting embedded structural

barriers and their impact on children's development (Dragoi, 1981). None of the papers discussed leaving care directly, but some understanding can be derived from the selected publications.

The communist project was based on modernism, collectivism, and rapid development. At the foundation of these aspirations sat '**the New Man**' (Ionescu, 1969: 29; Badina and Mamali, 1973), represented by a highly qualified, independent thinker, without need for instruction or affirmation, with self-control and the ability to balance his own will with the needs of the socialist society. To achieve this, childhood required a new model of care.

Communist childcare was centred on the state as the optimal caregiver, education as the main vehicle to the New Man's consciousness and skills, and on distrusting the capacity of '*disorganised*' (Ionescu, 1969: 20) '*problem families*' (Dragoi, 1981: 11) to mould children into the '*future of the socialist revolution*' (Werry, 2005: 48). Borrowing from the Enlightenment that children are mouldable but corruptible by society (Ionescu, 1969), the state engineered the conditions for numerous children to be placed in public childcare by banning family planning (Decree 770/1966). A year later, waves of children, unwanted, illegitimate, lightly diagnosed as disabled, and mostly born in poverty (Stephenson *et al.*, 1993) entered care institutions. A subsequent phenomenon developed, public childcare becoming a normalised alternative (Zamfir and Zamfir, 1997). This created a powerful legacy which resulted in an estimated 100,000 institutionalised children by 1989 (Roth, 2000).

### 3.1.1. Dominant Public Childcare Discourse (Aspiration)

I begin my exploration of the building blocks of this situation in the first column of Table 1 which depicts the singular and unchallenged discourse that '**the state can *optimally replace the family***' (Dragoi, 1981: 7). This discourse was based on Marxist-Leninist ideas that '*it is possible to educate children in the absence of parents*' (Dragoi, 1981: 23), rejecting counter-theories such as Bowlby's attachment theory. Three key ideas informed the nature, structure and model of public childcare.

Firstly, the imperative that children develop a '*socialist collectivist consciousness*' (Ionescu, 1969: 149). This resulted in collective, socially isolated, large-scale children's homes of between 55 to 1000 children per unit. The aims of care were to prepare the '*communards*' for collective living, values, and norms (Makarenko, in Ionescu, 1969: 28), as well as to develop individuals free of attachments and able to think independently as early as possible. On leaving care young people would be expected to enter seamlessly into the flow of industrial youth.

Secondly, **education** was seen as the main vehicle in fulfilling this aspiration. Consequently, public childcare structurally mirrored the education system. The homes were organised into pre-school, school-age, and boarding units in high-schools or vocational schools. Navigating this system involved regular moves (at age 3, 7 and 14).

Tasked with achieving these aims, the 'educators' were expected to adopt a committed parental role for up to 20 children, be aspirational for each child, and instil in them self-belief and perseverance. They were expected to analyse each child's achievements, needs and learning gaps, and to provide individualised pedagogical support. This made public childcare '**scientific**' (Ionescu, 1969: 25). The educators were expected to have knowledge of child development, be able to analyse children's trajectory on the life course and develop methods

for their gradual transformation. Productivity was measured by their wards' educational outcomes.

Third, children had responsibilities too: to be active, creative, and participative agents, and to shape society and themselves. Independence and self-control were closely scrutinised. Care leavers were responsible for their continuous development and expected to avoid anarchic behaviour.

This powerful discourse of responsibility was not however balanced by rights despite this being the bedrock of the new society (Nesselrode, 1951). In fact, childhood and rights were not universal concepts. For example, whilst most children in society were hailed as the future of the country, the children of political dissidents were imprisoned and tortured (Brebu, 2014). Unfortunately, the reality of life in childcare institutions was not widely dissimilar, being described decades later by survivors as the '*slaughterhouses of souls*', '*gulags*' (Odobescu, 2015: 6) or '*prisons*' (Brebu, 2014; Alexandrescu, 2019:45). Instrumental to this was a dangerous utilitarian idea that '*the task of producing the New Man is harder than producing a Yes Man*' and so the ends were seen as justifying the means, with little moral concern (Werry, 2005). The consequences for children in public childcare were devastating.

### 3.1.2. Consequences and Parallel Dominant Discourse (Reality)

This discussion is based on interpreting the findings by Ionescu (1969) and Dragoi (1981) which highlight several structural and discursive incongruities between aspiration and the reality of care.

- Knowledge deficit in staff

Educators were severely under-qualified and overwhelmed under the excessive job expectations. They were coping by delegating to older (abusive) children, and by focusing mostly on the children who were approaching school graduation - the measure of their work.

- Highly traumatic living and learning environments

Life in care was unjust and brutal. Corporal punishment, severe even for minor errors, was encouraged as necessary. The culture of brutality was also enforced through bullying the educators who showed kindness (Odobescu, 2015). Children with access to mainstream schools were suffering from rampant stigma and oppression from teachers, pupils and their parents.

- Highly traumatic disruption and fragmentation of care

The structure mirroring the school system involved sudden, unprepared moves between children's homes, which discontinued the children's relationships, attachment to place, and sense of safety. In reaction, children were developing self-doubt, becoming passive and withdrawn. To the unqualified staff, however, they appeared '*deficient*'.

- Malicious social construction of children in care

The consequences of this poorly designed and managed system were catastrophic for the children's social position, status and global wellbeing. They were starting life with permanent stigma derived from the '**problem/disorganised family**' discourse (Dragoi, 1981: 11) - feeding a concept of origins of poor quality (and later of problematic genetic make-up).

The children's reaction to the trauma of care resulted in enuresis, withdrawal, apathy, anger, destructive behaviour, and stealing or running away. Subsequently, they were labelled '*negativists*', '*suggestible*', '*resistant*' and 40% of educators thought they had '*no skill*' (Ionescu, 1969: 174). To explain the low 'production' of graduates, children were labelled '**deficient**' and abnormal (Dragoi, 1981: 37). The legislation contributed to this generalised process of othering by categorising them as '*minors*' (Law 3/1970) and discussing them exclusively in rapport to deficit e.g. '*recoverable deficient*' (Art 5.c). Overall, a diversity of voices - professional, academic, the law, mainstream teachers, and school peers and their parents - were construing these children as incapable of achieving the high qualifications required by the socialist society. The abundant **structural barriers** jeopardising their human potential were disregarded, an absent discourse (see Table 1).

- Structural barriers, infrastructure errors, and conceptual corruption

A decade and a half since the communist childcare system was set-up it became evident that the system had been constructed in haste, without planning or operationalisation of concepts (Dragoi, 1981) and so **the infrastructure and the methods in use did not work**. The resulting problems were multiple. In the everyday translation of discourse into practice, ideas became corrupted: 'being constant and consistent' in child rearing became 'being inflexible', 'being firm, competent and prompt' became 'being highly authoritarian and punitive', and 'self-control' became 'discipline' (Dragoi, 1981: 116).

The size of the homes prevented the personalised intervention expected from educators. Children were neglected and alone in a sea of people ('*neglect was more painful than the beatings*') (Odobescu, 2015: 3). Mental and emotional erosion were also affecting the educators, causing high turnover, difficulties in recruiting, and attracting mostly unqualified staff (Dragoi, 1981). Due to socially isolated care, with no social workers, children were guided by poorly informed educators or auxiliary staff who, informed by the belief that children were 'deficients', oriented them mostly towards low-skill technical schools.

Further barriers for young people were having their access to education openly blocked by teachers (Dragoi, 1981) and being prevented access to high-schools for lack of accommodation - despite legal provisions (Law 11/1968). Only 7.5% were successful in humanities, while 44% failed the exam. This pushed young people into low-status apprenticeships or marriage as solutions to leaving care.

Dragoi's (1981) frank insights into the negative nature and impact of communist public childcare might seem surprising given that contradictory positions were monitored via the panopticon function of the secret police present in all professions and environments. However, Szabo (2012) details how by the 1980s adherence to communist ideology was in fact subverted both in the private and in some public environments. Whilst the impact of Dragoi's study is unknown, its contribution is now significant in understanding the reality behind the discourse portraying the state as an 'optimal caregiver'.

In conclusion, two parallel dominant discourses were active during communism: first, a declarative/ideological one outlining the aspirations underpinning public childcare; and second, a subversive/practical one constructed by cultural assimilation and by a surprising degree of discretion (given the controlling nature of the state) afforded to frontline staff. In fact, whilst reading this material I was constantly struck by the passivity of the state who seemed to have abandoned its project. The ideological discourse was set up to fail from the start by inadequate resourcing and by putting the onus on the system's weakest link, the educator. The all-important bridge between an idea and its outcome via coherent application was not made.

In time, the propaganda promoting the state as the best caregiver for children from 'problem families' made public childcare invisible and forgotten. Inspections were empty gestures (Odobescu, 2015). The absence or silencing of alternative voices and discourses created the conditions for public childcare to entrench its culture. This included: a punitive infrastructure; generalised structural errors; and psycho-social, pedagogical and environmental living conditions which worked against the children's wellbeing. Sabotaged by malicious social constructions, open abuse and discrimination, and in the absence of advocates, parental contact being actively discouraged (Stephenson *et al.*, 1993), children's acquisition of the pre-requisites for valued workers and citizens was jeopardised, condemning them to perpetual disinvestment.

The power and continuity of this discourse has been tested when communism ended in December 1989, when a holistic overhaul was initiated to change the system.

### 3.2. Reforms and Diversification of Discourse – 1990-2007

The 1989 Revolution has been described as a traumatic event disrupting the universe of meaning through sudden discourse change and invalidation of long-held identities (Alexander, in Andreescu, 2014: 64). From that point onwards the population began a lengthy transformation of consciousness, away from the 'communist mentality' and towards Western discourses, with reverberations across society.

#### 3.2.1. Dominant Discourses: Rights (Aspiration) and Deficit

The second column in Table 1 highlights the main aspiration of this period regarding public childcare, and the main challenges. Romania was experiencing shock from discovering the reality of the inhumane children's homes. A new discourse of '*blame*' and '**shameful communist inheritance**' emerged and intensified through the 1990s and after, mostly via Western (Levin, 2010; Colins-Sullivan, 2014: 84) and NGO voices. The public frontline workers came under acute pressure. A deep conflict ensued between the numerous emerging NGOs perceived as agents of best practice, and the 'heartless monoliths', the public childcare workers. Parents too were vilified for abandoning their children through presumed disinterest, choice and 'immoral personality' (Darabus *et al.*, 2006: 36). As before, the debate did not extend to observing the impact of poverty and of the embedded structural factors affecting all actors in the system.

Romania moved swiftly from the communist 'New Socialist Man', best cared for by the state, to the Western idea that '*the child is a person with rights*' (UNCRC, 1989: Preamble)

including to be cared for in a family environment. This idea, key in guiding policy and practice, produced extensive changes in the concept of care, its vocabulary, methods and infrastructure and in the experience of children and families.

In 1990 the country signed the newly released UN Convention for the Rights of the Child which aimed to transform the concept of childhood globally. However, whilst new forms of family-type care began to appear (Dumitrana, 1998), Romania was not ready to generate a rights-informed infrastructure and decision-making until 1997. The changes were poorly integrated with the local legislation, which often contradicted it (FICE, 1998). A more coherent transformation was achieved in the 2004-2007 childcare reform.

In parallel however, the familiar deficit discourse about children in care was taking new forms. The now-visible horrors of public childcare were urging a research-based analysis of the impact of institutionalisation on children's development, particularly prompted by the implications for international adoptions (Hoksbergen *et al.*, 2003). Research was highlighting the **severe damage** that the neglect and abuse in the warehouse-type care had caused to mental health and later recovery (Hoksbergen *et al.*, 2003; Castle *et al.*, 2006). In practice and in debate this reinforced the psychiatric discourse already emerging in the last decade of communism, children being described as '*mentally deficient – problem child*' with a '*poverty of the socio-affective repertoire*' (Macovei, in Dumitrana, 1998: 29). Whilst highlighting institutional care as a severe risk factor was important to discourage institutionalisation, it might have also unwittingly contributed to further constructing the children as 'damaged goods'. This othering discourse became inescapable and had implications for care leavers.

### 3.2.2. Resistant Discourses: Problem and Responsibility

The end of communism caused dramatic changes to care leavers' trajectories. They could no longer enter industry, agriculture, the army, or the secret police, all these being largely dismantled in the 1990s alongside the universal social protection. With neoliberal ideas imposed by international donors (IMF, World Bank) - such as having a smaller state, individual responsibility, and lowered solidarity - care leavers were left to struggle alone. This often resulted in homelessness, prostitution or criminality (Hot 669/2006, I.1), feeding the '**social problem**' discourse (Zamfir and Zamfir, 1996: 255).

I catalogued this discourse as 'resistant' (see Table 1) in rapport with the intended dominance of the discourse on rights and personalisation. The latter aimed to focus attention on improvements in the environment and spirit of care, away from old, ineffective conceptualisations that put the onus on children. The continued problematisation of care leavers sat within a wider discourse generated by the frontline workers who were reacting to the rights discourse by demanding **responsibilities not just rights!** This otherwise reasonable expectation, was however rooted in a long-standing and punitive 'undeserving' discourse, now framed as care leavers '*demanding more than they are entitled to*' and '*excessively preoccupied with knowing their rights*' (Darabus *et al.*, 2006: 38).

Against a background of poverty, low social value, and the expectation to professionalise without financial benefits or career progression, the rights afforded to children in care were perceived by educators as undeserved compared to their own 'good' children who struggled

in poverty. The exclusive focus in the 1997 reform on the rights of children in care increased their pariah status due to the inequality of opportunities affecting the rest of children in society, the reform being perceived as unjust when benefiting only children in care (Zamfir and Zamfir, 1996).

Although this was remedied in Law 272/2004, the imbalance might have lasted long enough to create a culture of animosity towards children in care. This extended to the wider public. West University (2007) found that care leavers faced heightened stigma being assumed by the public as violent and of low morality, being demanded to respect the laws and simply cope with the discrimination. A potential consequence was that, despite legal provisions encouraging the employment of care leavers, employers would either not employ them or exploit them.

### 3.2.3. Marginalised and Absent Discourses: Assets

The end of communism allowed a diversity of voices to be heard, including those of the children and young people themselves (FICE, 1998). They were trying to counteract the powerful deficit discourse, by presenting themselves as **people with valuable assets**, self-sufficient, and capable of integrating in society with meaningful support (West University, 2007). Young people benefiting from new family-type accommodation described the transformative effect of the learning opportunities in these environments: *'I gained a normal behaviour; I learned how to organise for the future, I explored science, culture and society, I learned to distinguish between right and wrong, I learned to accept reality as it is'* (young person, 16, in FICE, 1998).

At this point in history however, children and young people seemed unprotected – their portrayals of themselves, by their own voices, as valuable citizens, were very rare. The preoccupation with deficit and limited resources overpowered the policy changes on paper and little action was taken in this interval, leaving care leavers to **struggle for survival**.

## 3.3. Discourse in Conditions of Political Progress and Austerity – 2008-2019

In 2007, Romania joined the EU. Optimism, however, was short lived as the economy was hit by the global financial crisis soon to be followed by austerity. The economic decline was substantial and affected the most vulnerable in society (Diaconu, 2013). Children and young people aged under 25 amounted to 43% of the poor population. By 2009, institutionalisation doubled whilst deinstitutionalisation slowed down for a lack of funding, experience and priority (n.a., 2015).

### 3.3.1. Dominant Discourse: Care Leavers as 'Problem'

As priorities shifted considerably, in public childcare we see the previous resistant discourse of care leavers as a **'problem'**, strengthening (see Table 1). Multiple voices continued to discuss them as **'dependent'** (Dobos, 2009: 24), **'used to/waiting to be given to'** (Fisa, 2011: 5; Laslo *et al.*, 2011: 3), **'unskilled'**, **'frequently asking external help'** (Ionescu, 2017: 85), ultimately a **'burden'** (n.a., 2009) on society. A mix of mechanisms developed this discourse.

First, the repetition of the deficit and dependency narrative by researchers, practitioners, and programme directors appears to justify and normalise the hardship they experience. 'Typical'

characteristics are routinely generalised, whilst objectification (*'system client'*, *'cases'*, Sargie, 2008: 7) continues in literature and in administrative structures. Patronising language describes them as *'in the habit of'*; *'consider that the world owes them'*; have *'exalted hope of immediate success'* (Alexa, 2014).

Also, commentators focus extensively on 'problems' at the expense of strengths. In policy they are invariably *'young people at risk of social marginalisation'* or *'post-institutionalised'* (Insert, 2014: 1). Young people continue to be trained in low-qualified professions which perpetuates social inequality. Their aspirations are thus reduced to *'having bread to eat'* (young person in Stanescu, 2013:16). Whilst during communism they were seen as incapable of becoming the 'socialist worker', now they are seen as incapable of socio-professional integration. Yet, deliberate practices such as withdrawing support (Odobescu, 2015) or being given incomplete information reinforcing practitioners' prejudices when they ask for clarification (Stanescu, 2013), are not foregrounded.

Second, the voices of children and their professional allies are routinely silenced: *'measuring children's satisfaction with the services they receive in the child protection system is an objective we set for the future'* (Odobescu, 2015:11). Balan, a care-leaver activist, and colleagues (2018) found that most children cannot represent themselves, are not allowed to complain, and have no advocates. Trif's (2018) finding that care-leaving support is based on *'not having a big mouth'* (p. 139) supports this. Case managers who attempt to find solutions for care leavers are deemed enemies of institutions (Sargie, 2008), echoing the communist past.

An example of how powerfully entrenched dehumanising attitudes can be is the testimony of a children's home director, who until 2003 ran *'the institution like a hospital although the children were not ill'* with *'no interest in their psychological development'* and by *'dissociating them from my own children and other children I knew'*. I was *'convinced that I was right'* and fought deinstitutionalisation for three years before *'gradually realising what a terrible place I have been running'* (Levin, 2010: 3-4). This illustrates how staff can espouse uncritical attitudes with no concern for improvement but that, once awakened they experience remorse. Therefore, the attitude is not naturally inhumane, it is learnt through professional socialisation, cultural assimilation, and lack of critical analysis.

This points to a third mechanism, the lack of adequate opportunities for practitioners and managers to analyse, debate, understand and operationalise. This generates inefficiency despite available methods, and a lack of insight into powerful structural and risk factors embedded in the system, marginalising these in favour of blaming the individual.

The main consequences are continuous attacks on the care leavers' self-worth and their worth to society through powerful, permanent, and assimilated stigma. Portrayals such as *'expecting to be given'* stem from and reinforce a construction of care leavers as undeserving of investment. This affects their ability to find employment - in 2010 only 2% found jobs (Stanescu 2013). They avoid *'coming out'* about being *'from care'*, or about an abusive past to avoid the transfer of a *'broken identity'* outside care (anonymous young person in Collins-Sullivan, 2014: 84). Thus, they make efforts to rewrite their identity by suffering in silence. The trauma of their experience however results in suicide ideation or events (Alexandrescu, 2019).

### 3.3.2. Resistant Discourses: Neglectful State, and Care Leavers' Value

The last column in Table 1 lists two powerful counter-discourses which fight to rebalance and contextualise our understanding of care leaving.

First, mirroring Hurtig's (2008) 'neglectful patriarchy' as the attitude of teachers who neglect their students at no cost to their power and authority, the Romanian literature points to a '**neglectful state**'. This wider lens makes visible the elephant in the room, the poor management of the legal provisions and commitments, their operationalisation and implementation.

At country level, the European Commission (EC) found that '*guidelines are very well written but in practice they are recurrently disregarded*' (EC, 2018:3). Consequently, there is a substantial lack of impact in the lives of the most vulnerable groups, including youth (EC, 2017). Whilst EU members are supported to recover from the financial crisis, the EC penalised Romania twice for lack of progress.

Zamfir *et al.* (2017) point at a policy of small state, small salary, but pro-profit politics encouraged by the externally imposed neoliberal approach to the economy and social protection. Along with mismanagement, bureaucracy and austerity these conditions have brought Romania's economy, social justice and population's wellbeing to the bottom, as poverty remains at 40%. Public discourse however focuses on blaming the worker (Zamfir *et al.*, 2017) whilst the strength of the international instruments' guidance on reform appears to have weakened.

Against this background, public childcare displays numerous struggles. Inter-agency collaboration is made ineffective by recurrent ruptures: between NGOs and the state; intra-state - among departments; and within the social work profession (Sargie, 2008; Fisa, 2011; Stanescu, 2013; ANPDCA, 2014-2020). Whilst effective communication between system parts is necessary to coordinate the implementation of the legislation, these power struggles jeopardise progress (Fisa, 2011). Action is limited to recommending '*immediate intervention*' (Insert, 2014: 2) and to reiterating obstacles. Due to subsidiarity, the central agency perceives itself as separate from the challenges of local authorities which '*have to come up with something*' (i.e. when large numbers of care leavers exit care at once in poor rural LAs) (Dobos, 2009: 22).

Also, care is still violent (Balan *et al.*, 2016; Alexandrescu, 2019). Children talk about their vulnerability, with no advocates protecting them from cruel practices, whilst authorities appear indifferent (Alexandrescu, 2019). The knowledge deficit of frontline staff is recurrently discussed but marginalised in favour of foregrounding the perceived shortcomings of care leavers (Dobos, 2009; Fisa, 2011; Ionescu, 2017). Similarly, the **rights** discourse appears to have lost traction. Overall, **structural deficit** via lack of professionalism, chronic under-investment, short-term programmes which only delay the post-care hardship, and lack of post-care monitoring and programme evaluation contribute to poor care leaving outcomes.

To counterbalance this, the second resistant discourse comes from the care leavers' increasingly mature and determined voice. Currently organised into NGOs representing and protecting the interests of children and young people in and out of care<sup>1</sup>, care-leaver activists have two interconnected agendas: first, to promote a fairer discourse about care leavers,

and, second, to seek reparations for their traumatic life during communism whilst monitoring and taking action to redress the quality of care today.

They demand to be co-producers of 'their' discourse and of concrete change and fight the unjust tendency of being constructed in the society's consciousness as inadequate and unworthy. They bring evidence that care leavers are **able and valuable** to society through a diversity of mediums: social and mass media, conferences (2018 Conference 'Your Story'), their own literature (Ruckel, 2002; Balan *et al.*, 2018; Burcea, 2020), own research, as well as fieldwork visits in placement centres to impart positive experiences and to de-construct the children's defeated sense of self and of future built by others. They engage with politics and policy making to influence structural change, and forge alliances with lawyers and researchers to develop evidence of the continuously abusive nature of care.

As a result, care leavers co-produce nuanced knowledge about themselves. We learn about their search for beauty, education, and validation, and about their achievements and aspirations to become trustworthy adults (Collins-Sullivan, 2014; Balan *et al.*, 2018). This shows who lives behind the prejudiced image of a 'problem care leaver' constructed without their control.

This long-marginalised discourse is now fighting – through the struggles of charismatic and talented representatives and their allies – a committed and organised battle against the barriers and the singularity of the institutionalised narrative of deficit. Their voice as experts by experience and the corroboration of their many stories makes their knowledge co-construction credible and powerful.

#### 4. Absent Discourses as Proposed Avenues for Action

To conclude, I return to the initial question of this paper – why is it difficult to implement the mid-2000s rights-based reforms and thus to provide care leavers with the expected improvements in wellbeing and life chances?

This 50-year investigation into the discourses shaping today's practice has revealed continuities and discontinuities in ideas, practices, and actors. An enduring narrative of deficit originating in communism was sustained after 1989 through a consistent discourse of damage, a socially constructed lack of capability, and culpability for dependency and lack of success in social and professional integration.

This 'dinosaur discourse' (Allan, 2018: 545) is powerfully shaping the views of a diversity of commentators and is likely to assimilate new workers (Alexandrescu, 2019). This narrative is circulated through repetitive writing, with a persistent tendency to foreground perceived shortcomings of the individual whilst marginalising acknowledged systemic barriers. In both historical periods this upside-down argument prevails. Care leavers argue that this encourages a culture of abuse and disrespect of their rights, and ultimately their abandonment. Adopted discourses intended to reverse this narrative such as that of rights, lose traction when the international pressure subsides and in the context of poverty and mismanagement.

How can we understand this overall stagnation even regression? Previous literature discussing leaving care in the context of welfare models (Anghel and Dima, 2008; Anghel, 2011; Stein, 2014) found that moving on from communism, Romania was predicted to develop high commodification (i.e. services are not provided as a right) and subsequent high social inequality (Deacon, 1993). In the late-2000s, Fenger (2007) explored the prediction that Europeanisation and the influence of donor organisations (IMF, World Bank) would push post-communist countries, through policy diffusion, towards Esping-Andersen's (1990) ideal welfare state types (conservative, socio-democratic and liberal).

Fenger found that whilst most post-communist countries established distinct models, Romania clustered with countries which were still to develop a committed direction. Its welfare model tended towards a small state with the lowest social protection investment in Europe, the highest infant mortality rate, the lowest level of trust, and the second highest level of inequality.

A decade later, the findings of the current study appear to indicate a persistent tension between policy diffusion (Fenger, 2007) where on paper generous care leaving policy embraces transferred ideas about rights and actual path-dependency (i.e. an endurance of communist legacies) through lack of implementation and the continuity of the deficit discourse. The 'neglectful state' discourse appears to confirm a low social protection model (Pöder and Kerem, 2011). This might explain the vulnerability to reversal of these generous measures. Other authors have observed that the state has been slow and largely uncommitted to implementing and monitoring change resulting in loss of external resources (Roth, 2000) and credibility (EC, 2017; 2018).

By 2007, Fenger proposed that the post-communist countries were unlikely to still be in transition, therefore their welfare models were 'real' (Badescu, 2019:1). This suggests that in Romania recommending more of the same (i.e. improvements in quality of practice, infrastructure, or policy) is obsolete as the political context of care is not conducive to top-down change and innovation.

Where then could change come from to disturb that dinosaur discourse? Table 1 shows an interesting dynamic as the resistant and marginalised discourses tend to gain traction and eventually become dominant. Perhaps a turning point is building up for a radical change in language, knowledge production and ultimately, the reality of care. The weakening of the international political pressure and therefore of external frames for development might provide the opportunity to create motivation for change of narrative and policy implementation from within.

The example of the director's raised consciousness (discussed above) suggests that the broken link to implementation and the most potent mechanism for change might be reframing the discourse to awaken the frontline practitioners' awareness, compassion and solidarity. It was striking that the post-1989 literature was mostly underpinned by distanciation, lack of warmth and of solidarity with the care leavers. Whilst the term appeared in the mid-2000 care leaving legislation aiming to protect them from marginalisation and to enable their contribution to the future of Europe ('solidarity contract' towards employment - Law 76/2002, Art 93.1; 'intergenerational [and] community solidarity' - Hot 669/2006, Argument; I.4), application is largely missing. Acknowledging their membership and enabling their belonging (Powell and Menendian, 2016) through a **social solidarity contract** and an

inclusive language (e.g. '**Romania's youth**' instead of post-institutionalised youth') would be a necessary foundation to a refreshed attitude and approach to supporting them. Goodyear (2013) suggests moving from a preoccupation with deficit, to a sociological orientation acknowledging the structural mechanisms which cause social inequality and which prevent the otherwise capable, agentic individuals from fulfilling their potential.

Care-leaver activists already address the absence of a strengths discourse by inspiring their peers, presenting them as capable and valuable contributors to society and by modelling that through their powerful political and representational actions. This ties in well with the premise of the children's rights agenda - that children have agency, that their assumed deficit is socially constructed, and that they are capable agents who should have participation rights to contribute to services and so exercise a political role in challenging the forms of oppression impacting their lives (Mayall, 2000; Goodyear, 2013).

In countries shaped by Confucian concepts of society, the rights discourse has been criticised as a Western concept which promotes individualism and views children as exclusively subject to protection with no responsibilities for reciprocity (Burr, 2002), a view mirroring the practitioners' response in Romania. However, authors commenting from within similar cultural contexts found that the UNCRC enables looked-after children to voice everyday oppressions and their suggestions for better practice (Yu-Chiu and Charnley, 2019), and warn against the politicisation of Confucianism, an otherwise humanistic philosophy. Whilst the concept of rights has been difficult to implement across countries (Bellamy and Santos Pais, 2007) it remains powerful in guiding and framing the fight for a radical change in discourse, practice and experience.

Finally, through its ability to observe structural contexts of social exclusion and institutional oppression, a sociological approach would enable the critical analysis of care leavers' experience through an **intersectionality** lens. Care leavers are not a homogenous population to be discussed separately and assumed to have blanket needs (i.e. 'post-institutionalised youth'). We need to acknowledge and focus research on understanding their task to integrate socio-professionally within the context of intersecting exclusions based on: gender, ethnicity (many children in care are of Rroma origins), socio-economic status (they experience poverty, homelessness), and cultural-symbolic capital (Marginean *et al.*, in Ionescu, 2017: 85). This approach to understanding the complexity of their experiences, alongside the emphasis on voice, agency and contribution would encourage new research into the worlds and cultures of young people leaving care (Goodyear, 2013) as a powerful foundation for conscientization and change.

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<sup>i</sup> NGO Federeii; The Council of Institutionalised Young People; The Voice of Abandoned Children