

# The social pedagogical effectiveness of imprisonment

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## Abstract

This article resumes part of the doctoral research titled *The social pedagogical effectiveness of imprisonment*<sup>II</sup>, which was conducted from 1997 to 2001 in the Postgraduate Program in Education at Universidade de São Paulo and defended on August 21st, 2001. The pertinence of reflecting again on the subject is due to the approval of the National Guidelines for Education in Prison Facilities, Resolution 3 on March 11th, 2009, by the National Council on Criminal and Prison Policies (CNPCCP), and ratified by the Ministry of Education by means of Resolution 2 of the National Council on Education (CNE) on May 19th, 2010. A practical consequence of this rule is the creation of the National Plan for Education in the Prison System, with the obligation for each state in the federation to have its own State Plan for Education in Prison Facilities, from which an idea emerges, whether implicitly or overtly, of a political-pedagogical project for education in prisons. The study was conducted in four prison units in the state of São Paulo, with a sample that included adolescents, women and adult males in the midland of the state, and with males who were serving over 12 years in prison. It was a longitudinal study which used documents from childhood to adult life and diagnosed the conditions in which individuals entered prison, the transformations they had undergone, and the objective conditions they would have by the time they are released. The study's findings are a relevant foundation for the current debate on education in prisons in Brazil.

## Keywords

*Education in prisons – Prison education – Imprisonment rules – Youth and adult education – National Guidelines for Education in Prison Facilities.*

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# ***A eficácia sociopedagógica da pena de privação da liberdade***

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## **Resumo**

*Este artigo recupera parte da pesquisa de doutoramento intitulada A eficácia sociopedagógica da pena de privação da liberdade<sup>II</sup>, realizada no período de 1997 a 2001, junto ao Programa de Pós-Graduação em Educação da Universidade de São Paulo e defendida em 21 de agosto de 2001. A pertinência de voltar a refletir sobre o tema decorre da aprovação das Diretrizes Nacionais para a Oferta da Educação em Estabelecimentos Penais, conforme Resolução nº 3, de 11 de março de 2009, do Conselho Nacional de Política Criminal e Penitenciária (CNPCC) e homologada pelo Ministério da Educação, por meio da Resolução nº 2 do Conselho Nacional de Educação (CNE) em 19 de maio de 2010. Uma consequência prática dessa normativa é a elaboração do Plano Nacional de Educação no Sistema Prisional e a obrigatoriedade de que cada estado da federação tenha o seu Plano Estadual de Educação nas Prisões, de onde emerge, implícita ou explicitamente, a ideia de um projeto político pedagógico para a educação em prisões. A pesquisa foi desenvolvida em quatro unidades de privação da liberdade, no estado de São Paulo, com uma amostra que envolve adolescentes, mulheres, homens adultos no interior do estado e homens cumprindo mais de doze anos de sentença. Trata-se de uma pesquisa longitudinal, documentada da infância à fase adulta e que diagnostica o estado em que os indivíduos entraram na prisão, as transformações que sofreram e as condições objetivas que teriam ao saírem em liberdade. As conclusões da pesquisa constituem importante subsídio para o atual debate sobre a educação em prisões no Brasil.*

## **Palavras-chave**

*Educação em prisões – Educação prisional – Regimes de privação da liberdade – Educação de jovens e adultos – Diretrizes Nacionais para a Educação em Estabelecimentos Penais.*

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## **The theoretical conception of the study**

The study approached in this article was conducted in continuation to the Master's dissertation defended in 1997 at the Faculdade de Educação da Universidade de São Paulo, with the title *The trajectory of institutionalization of a generation of ex-minors*.

That study showed the shaping of the process of criminalization of the first generation of male children confined under the state of São Paulo's responsibility at the State Foundation for the Well-Being of Minors (FEBEM). The study also identified this process as the result of a government policy which was first created by the military regime, then adopted by each Brazilian state, and is maintained to this day in a few of them.

The study showed that civil legislation – i.e., both codes of minors of 1927 and 1979 – allowed the creation of confinement institutions, drove the recruitment and training of human resources and the adoption of institutional practices which, under the aegis of the State, caused the criminalization of orphan and abandoned children placed under state care. In turn, this criminalization reinforced a prison system that is the most visible tip of a juridical, police-related, administrative apparatus which operates preferably among the poorer segments of our population.

Having been advised by the examination board to proceed with that research on a doctoral level, I was given the main direction by the thesis advisor, still during the period of the qualification exam. He questioned whether the thesis of “an individual's organic dependence relationship to the institution” would be applicable to other universes than that of orphan and abandoned children who had lived for ten or more years under control of an institution.

By “an individual's organic dependence relationship to the institution”, I understood the results of institutionalization and

imprisonment processes, considering the variables of confinement precociousness and length as determining factors of dependence. Both my empirical knowledge and the specific bibliography I had read indicated that incorporating codes, symbols, and values of total institutions (GOFFMAN, 1985), combined with the lack of other universes of reference and the identity transformations undertaken for adjusting to the institutional micro-universe, can create in the individual the same umbilical relation that is seen in one's attachment to one's mother or to one's home land, thus rousing the development of other adaptive resources in order to survive within the institutional environment.

This became, therefore, my preliminary work hypothesis, both for explaining *institutional relapse* as more important than criminal relapse for consolidating a criminal career and identity, and for studying the effectiveness of imprisonment when applied to individuals with a history of long periods within institutions.

The trajectory of life of this researcher (SILVA, 1998), i.e., social activism, study, reflection, and the later systematization of those experiences and knowledge, helped consolidate an analytic, critical view of the objects of study considered here: the children and adolescent confinement system and the adult confinement system, as well as their interfaces with the structures of the wider social system.

When, during my Master's program, I set about investigating the trajectory of institutionalization of the first generation of children – of which I was part –, the purpose was to dissect, based on my personal, empirical experience in São Paulo, the several dimensions and implications of the child and adolescent care policy in Brazil.

The goals established for the study, the methodology used, and the treatment of the subject proved consistent, as well as the final result, all of which was anchored on an extensive bibliography, thus proving it was possible for a researcher to use his own life

story, his personal biography, and his particular way of analyzing social processes in order to produce scientifically relevant knowledge.

The doctoral research was conducted based on the perception – consolidated in the Master's program – that both for designing criminal and prison policies and for administering criminal justice, the State creates the necessary and favorable conditions for criminal identities and careers to be structured, developed and enhanced, thus giving imprisonment another meaning, different from restoring, re-educating, and re-socializing. Within the Brazilian social structure, the criminal justice system is understood here as formed of two subsystems: a subsystem of confinement of minors, and a subsystem of confinement of adults including females.

The adult confinement subsystem is founded on the Brazilian Penal Code (Decree-Law 2,848 of December 7<sup>th</sup>, 1940) and it is regulated by the Penal Execution Act (Act 7,210 of July 1984). The adolescent confinement subsystem is founded on, and regulated by, one single Act (8,069 of July 13<sup>th</sup>, 1990), known as the Child and Adolescent Statute.

Common to both systems is that they are extremely selective, particularly regarding its ways of judging and punishing black people, women and adolescents (ADORNO, 1996), and it stands out that they aggravate both personal and social vulnerability in their public, thus configuring both systems, within the set of social structures, as mechanisms for branding and marginalizing the individual.

Merton's (1970, p. 85) concepts of functional analysis implicitly become the analytical reference employed to investigate the effectiveness of one of the instruments of social control, i.e., imprisonment.

The same object of study was analyzed considering the goals posited in the law, and it is guided by two factors which proved dominant after the tabulation of data: a) the personal and social vulnerability of those who are submitted to imprisonment, chiefly in face of the dire effects of the organic dependence in relation to

the institution, and; b) the prison administration model, based on a tripod comprising: 1) excessive tolerance of violence, which makes it the main factor mediating relations between the several actors in the prison universe; 2) excessive tolerance of corruption in all levels, which affects prisoners, their relatives, technical staff, liberal professionals, prison workers, and even the families of prisoners, and is not only a financial harm, but subverts ethical and moral values also, to the point of establishing a counterculture in prisons that is the antithesis of socially accepted values; 3) the buying and selling of privileges, in a logic of reward and punishment that substitutes the promotion, guarantee, and defense of rights, thus enabling the existence, maintenance and reproduction of a prison culture that guides the nature of internal relationships both among prisoners and between prisoners and prison staff.

The *incomplete socialization* (ADORNO, 1991) of individuals who are sent to prison appeared as one of the structural elements of the personal and social vulnerability that affects them, and pointed to two of the findings of this research: the first is that the circle of socio-familial relations is being gradually affected by the pedagogy of crime, with severe consequences to these relatives; the second is that, unlike other spaces where youth and adult education has been successfully implemented without any changes to the environment, prison, and particularly the prison culture, need to be modified, in order to enable the achievement of education goals, which are perfectly compatible with the goals of penal rehabilitation (SILVA; MOREIRA, 2006).

### **Methodology of research**

The imprisonment units focused in this study were Butantã Female Prison, the Franco da Rocha Prison, Bragança Paulista Public Jail, and Encosta Norte Juvenile Home, which was then subordinated to the State Foundation for the Well Being of Minors (FEBEM), now Fundação CASA.

Choosing these units in the state of São Paulo and limiting the number of interviewees to 240 subjects – adolescents, females, and adult males both in urban and rural areas –, divided in four groups with 60 individuals each, was only meant to provide a statistic base for analyzing the imprisonment applied to different population segments, and also to form a *corpus* of knowledge that could provide some support for actions and interventions.

As Becker (1994, p.157) anticipated, prisoners, technical staff, professionals, and managers were all receptive to my approach and interested in participating in the study, driven by the expectation that, by researching, discussing, and inquiring on the entanglements of the universe of prison units, I might take a stand as kind of spokesperson of their desires and angsts.

The study was conducted with the purpose of extracting a large mass of information from a relatively small sample with very specific characteristics and distributed in four subgroups.

When it comes to investigating an extremely hierarchical system such as the prison system, Becker (p. 162) emphasizes the *bias* problem, which is, in every aspect, an inevitable one in the application of methodologies in social studies.

If it were possible to conduct the study of the effectiveness of imprisonment by limiting myself strictly to its objective dimensions of intimidation, recovery, and re-socialization – without approaching factors of a subjective order, such as the prison culture, the hegemony of juridical sciences over other sciences in the prison universe, and the management model –, I would probably not incur in *bias* and would not be subject to diverging interpretations that can be roused by a qualitative research, and my final conclusions would answer the angsts of prisoners, technical staff, professionals, and managers.

Letting management, subordinates, and prisoners alike speak does not ensure that one party will not identify a certain bias in how the study is conducted, nor that everything

they say might be the expression of the truth, but there are methodological resources for depurating discourses.

However, I did not abstain from analyzing the sociocultural, political and administrative context in which imprisonment occurs, nor the structural conditions that found its existence, application, and increasing expansion.

If such approaches may cause discomfort to the operators of the system, analyzing the socio-familial relations of prisoners – deemed an important element for their social reintegration – raises new hypotheses capable of causing discomfort also to the latter, since my understanding of an *individual's organic dependence relationship to the institution* has prompted the perception of a *criminological culture in the socio-familial context*.

The questionnaires given to prisoners had questions for which the answers had been previously obtained by consulting official documents; the answers to qualitative questions were extracted from findings and reports produced by technical staff and professionals from the same imprisonment units, then confronted with prisoners' answers, and all technical staff and professionals responsible for producing those findings and reports were heard.

With regard to the documental research, the fundamental piece in the Inmate Record was the Criminal Record issued by the Instituto Ricardo Gumbleton Daunt of the Civil Police of the State of São Paulo, which contains the details of every police record of someone's life.

Based on these Criminal Records, I was able to extract, for each inmate, the total of prosecutions, the number of absolutions, the dates of the first, second and third offenses, the dates of convictions, the sentences, the sections violated, as well as sentence termination, and incidents, if any, during the sentence.

Based on the Sentence Calculation Sheet, initially produced by an attorney from Fundação Manoel Pedro Pimenta (FUNAP) who works at the unit, and ratified by the Criminal Execution Court, I was able to extract sentence

reductions and increases, reductions due to days worked, reduction losses for disciplinary punishment, if any, as well as the total days reduced in an inmate's prison time.

The Criminal Record contains the reports of the studies the prisoner was submitted to during his sentence, with information that can be systematized, such as data on his family life, dwelling place and conditions, personality disorders, if any, and disciplinary reports and evaluations regarding the prisoner's progress during the sentence.

Generally speaking, the structure of these documental sources is the same in any prison unit, and it is the same for the records at the Encosta Norte Juvenile Home for minors (under the age of 18).

The documental research was conducted on successive business days and weekends, until all 60 records were finished for each unit. When data collection was concluded and all the information had been checked, individual interviews were conducted, first with the prisoners, then with the technical staff and professionals at each unit.

Due to internal security requirements and the specificities of prisoners who were working out of prison, it was necessary to visit them according to their availability, sometimes at their workplace.

At the Encosta Norte Juvenile Home, where inmates did not leave to work and only a few were attending the community school on evenings, the adolescents were called one at a time at the technical staff room, where I interviewed them.

At the Butantã Prison, interviews were conducted at the technical staff room with the female prisoners who did not work out of prison, and at the workplace of the remainder.

At the Franco da Rocha and Bragança Paulista units, interviews had to be conducted also on weekends in order to see the prisoners who were at the workshops during the day and those working out of prison.

The interviews with male and female prisoners consisted of depurating the criminal

and disciplinary information about them in official documents, and collecting from them information about their family and prison life.

The interview with the units' technical staff and professionals, conducted according to a set of predefined instructions, sought to collect their positions and feelings about prison management, as well as work techniques in the fields of psychology, social work, and psychiatry, since these areas integrate the Technical Classification Committee along with the general director, who is in charge of certifying the degree of suitability of a prisoner for sentence reduction and definitive freedom.

At each unit, the discipline and security director was also interviewed, since he is both the second in command in the prison hierarchy and the director in closest contact with prisoners.

All data collected about the reality in the state of São Paulo were divided in four thematic units grouped by affinity, and specific theoretical references were chosen to found the arguments and develop the reflection about each unit. These thematic units are: civil identification, juridical and process situation, socio-familial situation, and prison life.

Civil identification: submitted to multifactorial analysis<sup>1</sup>, this category comprises data referring to color, age, dwelling place and conditions, education, and profession at the time of arrival in prison, history of offenses with no police records, work conditions, rights exercise, what the prisoner was doing when he/she was arrested, and drug addiction.

Juridical and process situation: it comprises the data referring to the first offense and reoffending, criminal progression, time elapsed between each offense, number of processes with conviction and absolution, feelings of guilt, history of offenses with no police records, sentence increase, and sentence beginning and termination.

Socio-familial situation: analyzed using Peter Berger's concepts of socialization, this

**1-** For this proceeding, the software SPSS for Windows for statistic processing was used.

category comprises data referring to marital status, situation of father, mother, brothers/sisters, children, situation of partner, family in prison, orientation, child custody, motives for the first offense, partner's responsibility in relation to children, persons the prisoner lived with from birth to time of arrest, partner's degree of awareness about, and participation in, the offense, person entrusted with the custody of children.

Prison life: it comprises data referring to the total time spent in prison, education and professional qualification acquired in prison, gains and losses in prison, persons who visited the prisoner, the situation in which the prisoner is being released, his/her way of occupying time, tests and exams taken, sentence redemption, savings, conviction for crimes committed within prison. This category is analyzed solely in the perspective of the "Minimum rules for inmate treatment in Brazil", a document which contains the UN basic guidelines adhered to by the Brazilian government.

## **Analysis and discussion of data**

By complete socialization we can understand the course an individual from his birth to the stage in which integration happens within the system of rights and guarantees, in the case of a democratic society.

We can outline this course as the individual's passage, both successively and concomitantly, through his/her family, school, social group, work, community, and finally through society, by exercising the basic rights of citizenship, an exercise which consists of at least being included in the system of individual political and social rights and guarantees (MARSHALL, 1967).

It is important to notice that the inclusion of a subject into the system of pension rights and guarantees occurs for us, in Brazil, only when the individual or the family provider enters the formal labor market, i.e., rights such as salary protection, holidays, the Employment Time Guarantee Fund (FGTS), protection in

cases of workplace accident, disability or death only exist in subordination to the system of labor rights. Any concessions made outside the labor legislation, such as minimum income policies, family grants, and aged and disabled financial support, are compensatory policies precisely because such people are at the edge of the system that guarantees social rights deriving from registered employment and employee pension schemes.

On the other hand, the *family* category, where the subject's primary socialization normally occurs, can assume the form of a nuclear family, a recomposed family, an extensive family, or a monoparental family.

The social group, where secondary socialization normally takes place, can be formed by neighborhood relationships, school friends, work environment, or the exercise of social life.

Likewise, by community, we can understand a wider group, marked by personal and neighborhood relations. It is articulated around common interests, such as local neighborhood issues, a religious belief, or a sociocultural, sports or political theme.

Although every youth and adult may be assumed to have gone through this whole trajectory, the level of cohesion and the nature of relations established in the family, the group, the community, and society can vary from one extreme to another; however, it is certain that a *corpus of knowledge* will always exist that is formed by codes, symbols and values defining an individual's *interpretative schemes*, whether they agree or not with socially established conventions (GIDDENS, 1989).

Having outlined the profile of the subgroups that form the sample, as well as the profile of their respective socio-familial conditions, it was necessary to interpret the data and posit explanations in order to better understand why prison and imprisonment are so ineffective to fulfill, in relation to these subgroups – the penitentiary system's preferential clients –, its objective purposes of punishment, reeducation and re-socialization.

The theoretical reference for developing this reflection was provided solely by Peter Berger and Luckman, especially the concepts of *knowledge, reality, institution, and primary and secondary socialization* enunciated in *The Social Construction of Reality* (1978), which I consider sufficient for the purposes of this research.

Although I make no pretense to discussing the question from the point of view of sociology or psychology, I did not fail to realize that the degree of social vulnerability of the groups studied constitutes a significant limitation to a greater effectiveness in the application of imprisonment sentences, as well as it has constituted a limitation for them to succeed in school, work, and other spheres of social life.

Berger and Luckman sustain that

The individual, however, is not born a member of society. He is born with a predisposition toward sociality, and he becomes a member of society. In the life of every individual, therefore, there is a temporal sequence, in the course of which he is inducted into participation in the societal dialectic. (1987, p. 174)

The initial point of this process, which results in social integration, still according to the authors, is the immediate internalization, apprehension, or interpretation of objective happenings as containing a meaning. It is only after achieving this degree of internalization that the individual becomes a member of society.

The formation of the I – even in the offender – should be understood in its continuous relationship to the organic development and the social process, bearing in mind the human organism's enormous plasticity, as well as social influences.

Berger and Luckmann teach us that consciousness is always intentional; it always *tends towards* or is directed to objects. We can never apprehend any supposed substrate of consciousness in itself, but only the consciousness of such and such a thing. This

condition makes the reality of everyday life the reality *par excellence*.

They also teach us that, even while conceiving the world as containing multiple realities, the consciousness is capable of moving through these different realities – cognitive, affective, spiritual, etc. – but it is the reality of everyday life that imposes itself more strikingly, requiring the individual to give adequate attitudinal and behavioral responses to his environment.

Because the reality of everyday life is structured both in terms of space and time, facets of different realities interact with each other, thus creating what Berger and Luckmann call the *zone of manipulation*, where data from one's reality interact with data from someone else's reality.

For these authors, social reality is apprehended in a continuum of typifications which become progressively anonymous as they become more distance from the “here and now” of face-to-face situations.

Because everyday life is the reality *par excellence*, no other form of social relationship can reproduce the full range of symptoms of subjectivity that are present in face-to-face situations, but the reality of everyday life contains typifying schemes under which others are apprehended, thus establishing our ways to deal with them when we meet face to face (1987, p. 48).

Socialization becomes a fact according to preexisting institutions which are anchored on interpretative systems capable of attributing roles to actors in function of the social division of labor. Institutions, whether primary, secondary, or tertiary, have a *corpus* of knowledge that is passed on as prescriptions, thus providing the rules of conduct that are institutionally adequate.

The process of socialization is, primarily, a process of institutionalization, and institutions imply historicity and control. By the sheer fact that they exist, institutions control the human conduct, establishing previously defined patterns of conduct that harness it towards one



particular direction in opposition to many other theoretically possible directions.

Berger and Luckmann call *social control* the sum of all these mechanisms deriving from institutionalization, which are inherent to institution itself and present in every organization, no matter its level complexity.

The process of institutionalization is, therefore, a process of reducing the individual to the mechanisms of social control. Berger and Luckmann stress that new control mechanisms are only necessary when the process of institutionalization has not been successful. This explanation may help us understand why the social control mechanisms that are stricter, more likely to be arbitrarily used and to cause injustice – such as penal law, police, and prison – are preferentially directed towards the so-called poor classes.

The profile of the social groups to which deviant behaviors are attributed – prostitutes, drug addicts, drug dealers, alcoholics, juveniles, and convicts – always points to family collapse as an element intrinsic to social deviation. Social relations are, in turn, and above all, relations among institutions. It is because institutions have common “zones of manipulation” (1978, p.39) that their basic interpretative schemes are able to support an individual when he needs to move across different institutions without major shocks.

The coercive effectiveness of institutionalization processes – in the Goffmanian sense – and of prisionalization, for example, derives precisely from the extremely low tolerance the institutional universe has to the violation of its rules, which are extensive to the outer dimensions of the individual’s life, reaching his family and everyone who interacts with him because of his institutional *status*.

The interpretative schemes apprehended and internalized during primary socialization establish something equivalent to indicators for the individual’s relations with church, school, work, dating, marriage, etc.

By primary socialization, Berger and Luckmann understand the socialization

Occurring in the family environment during the first childhood (1978, p. 182). Primary socialization is much more than a cognitive learning, and it is not unilateral, nor does it occur in a mechanistic way. It implies a sequence of learnings that is socially defined, beginning with the appropriation of the symbolic universe of the child’s father, mother, and older siblings. Only dramatic shocks in the course of an individual biography could disintegrate the reality apprehended during the first childhood, since it impregnates the child’s emotiveness, meanings and ability of construing.

Secondary socialization, also according to these authors, occurs under the assumption that primary socialization precedes it, as it comprises the dimensions of a personality already outlined and a world already interiorized. The reality enunciated in secondary socialization does not appear out of nothing, and its difficulties often lie precisely on the discovery of other worlds which do not necessarily correspond to – and sometimes oppose – the world interiorized through the socializing actions of the child’s father, mother, and older siblings.

The typifying schemes individually attributed in the face-to-face relationship of the individual with the police, the district attorney, the judge, the prison officer, the warden, and another convicted are filled with meanings for both parties individually; but the collectivization of these schemes for everyone inhabiting the same *zone of manipulation* attributes the same characteristics to all of them alike in the same way we speak of a *Brazilian spirit*, the *American way of life*, or the *English style*.

Berger and Luckmann conclude that a social structure is the sum of typifications and the recurring patterns of interaction established through them, and that the social structure is an essential element of everyday life. As the authors explain how the reality of everyday life is interiorized according to the social structure one lives in, they affirm that socialization can be more successful in nuclei with simplified divisions

where the distribution of knowledge is minimum, to conclude that unsuccessful socialization, on the other hand, occurs as the result of biographic, biological, or social accidents.

What we emphasize in the sample that we studied are the socio-familial accidents arising from father absence, mother abandonment, moving cities, imprisonment of one of the parents, which in turn are understood as trivial happenings in Brazilian social reality.

In this perspective, after analyzing the data referring to the subgroups of 0-7, 7-14, and 14-18 years old, they point to an "incomplete socialization (ADORNO, 1991), thus corroborating several other studies which identify offending behaviors as predominant in people who undergo socio-familial accidents.

Our data indicate that, of the 240 subjects of the sample, 165 (68.75%) experienced the stage from 0 to 7 years old with a father-and-mother family. In the same subgroup, 144 (60%) were living with their father and mother during the stage from 7 to 14, 104 (43%) were living with their father and mother during the stage from 14 to 18, and only 69 (25%) were still living with their father and mother by the time they were first arrested.

Following the same rationale, 39 (16.5%) individuals out of the 240-subject sample experienced the stage from 0 to 7 years old with the mother only. In the stage from 7 to 14, 48 (48%) were living with the mother only, and 37 (15,41%) in the stage from 14 to 18 years old were in this situation; by the time of their first arrest, 30 (12%) of them were still living with the mother, which indicates that the mother was a permanent, constant reference for this subgroup, and at times, even a resort to turn to, as the sudden increase in the stage from 14 to 18 years old indicates.

Curiously, it is during the stage from 14 to 18 that the streets constitute a basic reference for 22 (9.16%) of these individuals. From 0 to 7, only 3 (1.25%) were living in the streets; from 7 to 14, the number rises to 11 (4.58%), peaking on the above mentioned stage to decrease to 19

individuals (7.91%) still living in the streets by the time of their first arrest.

It is also from 14 years old that a partner becomes the main reference for 15 (6.25%) of these individuals, with an increase to 59 (24%) individuals living maritally with someone by the time of their first arrest, which indicates that, from 14 onwards, these adolescents have started to seek solutions and routes for their lives, and streets were the option left for those who could not develop competences for such.

We must consider relevant that 75 (31.25%) of the 240 interviewees had their primary socialization in monoparental families in which, generally, the mother was present and the father absent.

For their secondary socialization – understood as occurring from 7 to 14 years old –, the same 75 individuals mentioned plus one had only the father or the mother as a reference that opposed the effects of other socializing spheres, such as school, social group, and neighborhood relations. We should take into account the social vulnerability of those fathers and mothers, probably less educated than their own children.

Still of the total 240 interviewees, 28 (11.6%) individuals had both primary and secondary socialization in public or private institutions – normally shelters connected to the FEBEM system – and by the time of their first arrest, only one of them was still living there. These individuals are precisely the ones with the longest periods of institutionalization when summing their minor and majority stages, and are also the ones who became re-offenders and multiple re-offenders in the shortest periods of time, which corroborates the initial hypothesis of an organic dependence relationship to the institution.

When comparing the motive for committing the first offense to find that 46 (19.16%) of the total sample have become re-offenders, and 82 (34.16%) have become multiple re-offenders, the perception is reinforced that for those individuals, the primary goal of the sentence – intimidation by punishment – did not produce its intended effect, nor were occasional

family admonitions incisive enough to dissuade them from offensive practices, or they did not actually have a supportive socio-familial or community structure so they would not relapse.

We conclude that the objective goal of the imprisonment sentence has not been effective enough for reeducation in its formal aspect either. Of 60 adolescents, 20 were able to increase their education level in one or more school years during their confinement period. Of the 60 females, only two managed to do so; at the Bragança Paulista unit, 47 of the 60 male prisoners, and at the Franco da Rocha unit, 7 of the 60 male prisoners enriched their biography with some education level increase.

Franco da Rocha was the counterpoint to Bragança Paulista. At the former, 32 of the 60 male prisoners were serving more than 10 years, and 28 had been imprisoned for over 20 years; only seven improved their education level when comparing the initial and final education levels. At this unit, 10 male prisoners reported to having acquired in prison a taste for studying.

At the Bragança Paulista unit, only 12 of the 60 male prisoners had been confined for over 5 years. Of the total 60 male prisoners, the study found that 47 of them increased their education level, also when comparing the initial and final education levels, and that 18 male prisoners reported to having acquired in prison a taste for studying.

Among the 60 female prisoners – 34 had been in prison for less than 5 years, while 26 from 5 to 20 years – only 2 of them had increased their education level, which points to a scenario that is the opposite of society in general, where not only female education levels are higher, but they are also the majority in schools.

Still concerning formal education, vocational education – considered in its therapeutic purposes, but essentially in its role of providing a person with the necessary means for his and his family's subsistence in a licit way – proves insufficient to fulfill the objective purpose established for the imprisonment

sentence, if we consider not the number of professional certificates issued, but actual wages paid, actual compensations for damages to the victim, self-support, family support, and the amount in savings from work during the imprisonment period.

At the time of imprisonment, 38 of the 180 adults were engaged in paid work. However, none of them had destined any percentage of their wages to compensate their victims for damages, nor did they have more than R\$1.00 in savings at the time of the interview, but all of them contributed with a fixed percentage withheld by the penitentiary administration for funding their living expenses in prison, with R\$38.00 as the amount withheld at the Franco da Rocha unit, and R\$35.00 at the Butantã unit.

Both among male and female prisoners, only a few chosen ones had a chance of being hired, after released on probation, by the company they worked for. One hundred and sixty one of them had been promised employment upon release, but 105 of the adult prisoners admitted that they would leave prison with nothing, although 179 reported to having a place to live when leaving prison.

In terms of social, community, and family support, 175 of them reported that they could rely on family support, and 46 on the support of some entity, although none of the later had had any participation in community or association activities while in freedom.

The most visible benefit from working in prison refers to the actual penitentiary therapy – sentence reduction –, with the reservation that work was only offered when inmates progressed from a closed to an open prison system.

The *special* condition in which the prisoner is offered employment does not provide him any of the benefits of labor laws, and the employer has only to provide a reference letter when requested, attesting to the working prisoner's *good behavior*.

The balance of actual learnings achieved in prison was described by 178 interviewees as *more life experience*, whatever the meaning of

this phrase may be, which opposes, however, the views of the 112 interviewees who reported to having lost everything due to imprisonment, the 90 interviewees who became addicted to drugs in prison, and the 36 who caught some serious or infectious-contagious disease.

The data for the level of engagement of family members in the offending activities of the incarcerated subject, however in another age group, also corroborate those affirmations, pointing to a more serious fact, i.e., the tacit complicity that becomes established in the family environment in relation to those activities, and which we prefer to call an “organic solidarity” in the terms defined by Durkheim.

Given the legal assumption that one’s ignorance of the law does not exempt him from his responsibilities, it is a source of concern to verify that the families of 117 prisoners knew, to some extent, of their offending activities, that 56 of the spouses participated, whether directly or indirectly, in the crime, and that 216 (90%) have or have had a child, spouse, or some family member in prison.

The configuration of the sample allows us to also speak of a *tertiary socialization*, which Berger and Luckmann do not treat directly, but which allows us to perceive and recall Goffman’s (1985) thinking, when this author refers to the coercive force found in the objective reality of an institutional program that acts uniformly on every individual therein, thus outlining the institutional identity.

Based on this understanding, tertiary socialization can comprehend the process of socialization the individual was submitted to during a confinement period, as he was submitted to an imprisonment sentence.

The micro-world of prisons has a *corpus* of knowledge that is known to all its members, apprehended as an objective truth during the course of socialization, and interiorized as an objective reality.

In the prison universe, where typifying schemes – historically built – are integral, inseparable parts of the day-to-day reality, the

prison counterculture prevails over typifying schemes attributed by other socializing spheres, such as family, school, church, and work, and therefore dictates the contents of the individual’s objective responses to the imperatives of everyday life in prison.

In this context of supremacy of the typifying schemes imposed by the prison counterculture, which amount to failure of the efforts to eradicate offending behaviors, it is irrelevant to debate on identity conflicts, since one’s responses to the everyday reality in prison are ruled by the role that is actually attributed to him, and by what the incarcerated mass thinks he is, not by the image he subjectively makes of himself.

This *corpus* of knowledge, which I insist in calling a *pedagogy of crime*, is no longer an individual acquisition, as it becomes a collective heritage, shared by ascendants, descendants, and collaterals. The objectivation of this knowledge occurs when it is passed on from generation to generation, or by the recruiting and luring of new individuals from wider circles of social relations.

Our sample configuration indicates that the basic elements of the prison culture and its correlate – the crime underworld – have accomplished the interpersonal and intergeneration transmission, thus assuring that, for each individual *rehabilitated*, disabled, or killed in prison, others will succeed him.

Even in face of such striking data as the ones presented above, I still resist to admitting the concept of a *criminal family*, or to working in the perspective of a *genealogy of delinquents*; however, we already have the theoretical-methodological instruments that allow mapping the development of a crime pedagogy in the socio-familial sphere, as well as mapping that *pedagogy* within total institutions (SILVA, 1998).

We must insist on this line of argument because we assume that, in the context of the Brazilian reality, and for the majority of prisoners in Brazil, offending behaviors do not arise from individual anomalies nor from hereditary

pathologies, but rather from deficiencies occurring in primary and secondary socialization, and that the internalization of a criminal identity is a specificity of the tertiary socialization, entirely subordinated to the pedagogy of crime that prevails in the prison system.

In Brazil, the overwhelming surge in juvenile, female and adult criminality, particularly in relation with drugs, thefts and robberies, does not come as a response to the increase in personal *stress*, to a weariness of individual potentials, or to people's inability to deal with conflict situations, but rather to the conditions of family life, education, access to job market, and the lack of a urban and community infrastructure that allows minimizing social tensions and conflicts.

While our Master's research focused on the process of criminalization of children orphaned and abandoned by the direct action of the State as their guardian, we are now indicating a wide criminalization process of large segments of the population which have poverty and wretchedness as their main reference of socialization.

In terms of penitentiary policy, no penal therapy would be able to intimidate, re-educate and re-socialize individuals with such huge socialization deficiencies while in freedom. The ineffectiveness of imprisonment appears as another phrase for the ineffectiveness of the industrial, land, housing, education, and social policies, with the penitentiary system as the last sphere in which an attempt is made to correct those structural deficiencies.

When data have been analyzed for a sample in which the information was objectively collected in order to evaluate qualitative changes due to imprisonment, the conclusion is for the ineffectiveness of imprisonment as the preferential remedy for controlling or repressing criminality, with the aggravating circumstance of an involvement of the family circle into the circuit of the criminal culture.

Is this, however, a diagnosis applying only to segments with the high level of social vulnerability that we found here? Would a less

vulnerable, more educated sample, one that is more capable of integrating the job market, and with a higher conceptual apparatus for resisting the imperatives of prisonization and institutionalization, in a word, with greater bargaining power and mobility in the prison universe, have reacted differently to imprisonment?

My perception is that it is not only the sentence itself or the penitentiary system that is inefficient. This inefficiency is greatly increased when the preferential target of sentence application and the preferential clients of prisons are precisely the poorest, most vulnerable in the population.

This study allows me to affirm that the punishment, re-education, and re-socialization in the terms proposed by the legislation as the objective purposes of imprisonment, cannot be achieved in any penitentiary system that has as its preferential clients segments in so high a vulnerability level concerning the basic, necessary attributes for life in society, particularly in large, highly industrialized urban centers.

We are aware that few perspectives exist for changes in the perversity of this logic. Therefore, as long as prison is the predestined, preferential place for the poor to have their access and right to a few constitutional and humanitarian guarantees, we should insist that prison units be effectively transformed in units for reeducating, re-socializing, and re-introducing the citizen in the free society, since when it comes to punishment, the poor population already has it in school, public hospitals, public transportation, at home, and in ballot boxes.

## **Conclusion**

As we analyze the sentence length of the 240 individuals in the sample, the study indicates that 19% of them have had or will have the end of their prison time after 2010, or until 2076, therefore under the validity of

the legal guidelines approved for education in prison facilities.

This population, who did not exercise their constitutional right to education during school age and was identified in the end of the 20th century, is added, in 2012, to over 550,000 other prisoners whose profiles point to a specific population: predominantly young (over 70% with ages from 18 to 34); illiterate (5%), just literate (11,34%), without a 9-year elementary education degree (46,42%), without a high school degree (17,32%); black (over 60% Afro-Brazilians); over 70% in total idleness, and only 10% studying regularly.<sup>2</sup>

This situation is dramatically aggravated by the strong presence across the country of organized groups who exercise a nearly absolute control over prison routine and the lives of prisoners, thus providing a significant expansion of what I called earlier a pedagogy of crime (DIAS, 2011).

With this newest frontier of education, prison education enables the healthy complementarity between educational legislation and penal legislation – the National Education Guidelines and Framework Law (LDB) and the Penal Execution Law; it also supports articulations between sector-specific policies – education, labor, health, public security and social work –, increases the synergy between two sciences –

pedagogy and penitentiary law –, and mobilizes diverse professional fields – teachers, prison officers – around common goals.

The creative exploitation of LDB regulations makes prison a promising field for testing pedagogical innovations that have not been implemented in the regular education system, albeit authorized by law. The same liberality presented by the education legislation cannot find correspondence neither in the penal legislation nor in the penal execution, both of which should nevertheless suffer significant impacts from education, particularly regarding the Penitentiary Community Councils' disciplinary regulations and operation.

Among these innovations, it is worth highlighting the education-work relationship, the technical and professional training of prisoners so they can work still during their sentence, and the integration of prisoners into the penal rehabilitation proposal within the prison environment, as are the cases with education monitors and prison health workers (Section 11, paragraph 2 of the Guidelines).

Education consists of a project for the mid- and long-term, and it works in function of purposes and goals of its own, but which can perfectly be compatible with the purposes and goals of penal rehabilitation (SILVA; MOREIRA, 2006). The role of education within prison must be solely that of helping the imprisoned human being to develop his skills and capabilities so he can be in a better condition to compete for socially created opportunities.

**2-** SOURCE: The MINISTRY OF JUSTICE. The NATIONAL PENITENTIARY DEPARTMENT. Penitentiary Information Integration System (InfoPen). Category and Indicators Completed Form. All Federation Units. Reference:12/2011.

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