

## EDUCATION PUT TO THE PRISON TEST

## LA EDUCACIÓN PUESTA A PRUEBA EN UN ESPACIO DE RECLUSIÓN

## A EDUCAÇÃO FACE À DETENÇÃO

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**ABSTRACT:** Prisons for Minors (PM) are relatively new in the French prison landscape correctional system. Their appearance reflected a political desire to turn incarceration spaces for youths aged 13 to 18 into properly “educational” spaces, in order to address the lack of socio-educational attention that minor prisoners were suffering in juvenile units in adult prisons. Based on a monographic study conducted within two PMs, combining direct observation of everyday prison life and semi-structured interviews with all PM actors, this contribution aims to analyse the form taken by educational practices in these establishments, and examine how they are weaved into the penitentiary order. After providing some context relating to the juvenile justice system in France, we will examine the practices of PJJ tutors (*Protection judiciaire de la jeunesse* / Youth Judicial Protection Service) in symmetry with those of prison guards.

This symmetrical analysis will lead us to show that, although PMs testify to a decompartmentalisation in relation to the prison institution, they are still marked by the dominance of security rationales over educational rationales. This dominance also testifies to an original connection between these two rationales: in PMs, it is not solely a matter of forcing the bodies of prisoners to submit to the penitentiary order; it is also an effort to enlist cloistered subjectivities through an “educational” work of persuasion concerning the validity of the penitentiary order.

**KEY WORDS:** Prison; minors; education; discipline; order; responsabilisation.

**RESUMEN:** Recién llegados al paisaje carcelario francés, los establecimientos penitenciarios para menores (EPM) son fruto de la voluntad de convertir los espacios

de reclusión destinados a jóvenes de entre 13 y 18 años en espacios propiamente "educativos", al objeto de dar respuesta a la falta de continuidad socioeducativa de los menores presos de los *quartiers mineurs* ubicados en las prisiones de adultos. Basada en una investigación monográfica realizada en dos EPM que mezcla observaciones directas de la vida cotidiana de la reclusión con entrevistas semiestructuradas hechas al conjunto de actores del EPM. Esta contribución está basada en una investigación monográfica hecha en dos EPM, que mezcla observaciones directas de la vida cotidiana de la reclusión con entrevistas semidirectivas realizadas al conjunto de actores del EPM; su objetivo es analizar la forma adoptada por las prácticas educativas en estos establecimientos y su entrelazamiento con el orden penitenciario. Una vez recordados algunos elementos de contexto relativos a las recientes transformaciones de la justicia de menores en Francia, propondremos una mirada simétrica de las prácticas de los educadores de la PJJ (Protección Judicial de la Juventud) y de los vigilantes penitenciarios. Este análisis simétrico nos llevará a demostrar que, aun poniendo de manifiesto una apertura relativa de la institución carcelaria, el EPM sigue marcado por una supremacía de las lógicas securitarias sobre las lógicas educativas, que dibuja una articulación original entre ambas lógicas: en el EPM ya no se trata únicamente de constreñir los cuerpos de los presos a someterse al orden penitenciario, sino también de una labor de movilización de las subjetividades reclusas mediante un trabajo "educativo" de persuasión sobre la pertinencia del orden penitenciario.

**PALABRAS CLAVE:** Prisión; menores; educación; disciplina; orden; responsabilización.

**RESUMO:** Relativamente nova na paisagem prisional francesa, a abertura de estabelecimentos prisionais para menores (EPM) surgiu da vontade política de fazer dos espaços de reclusão reservados aos jovens entre os 13 e os 18 anos lugares "educativos", como forma de resposta à falta de acompanhamento socio-educativo da qual sofrem os menores detidos nas alas situadas nas prisões para adultos. Esta contribuição, baseada numa pesquisa monográfica realizada em dois EPM, através da observação directa do quotidiano e de entrevistas semi-dirigidas com todos os actores dos EPM, propõe uma análise da forma como foram pensadas as práticas educativas nesses estabelecimentos e como foram articuladas com a lógica prisional. Depois de lembrar alguns elementos de contexto relativos às transformações recentes da justiça de menores em França, propomos um olhar simétrico sobre as práticas dos educadores da PJJ (Proteção judiciária da juventude) e dos guardas prisionais. Esta análise simétrica permitir-nos-á demonstrar que, apesar de ter origem numa certa abertura relativa à instituição prisional, o EPM continua impregnado de uma supremacia da lógica de segurança sobre a lógica educativa, realizando uma articulação original entre as duas: no EPM, não se trata somente de constrenger os corpos dos detidos a submeterem-se à ordem prisional, mas também de fazer um esforço para "engajar" as subjetividades reclusas através de um trabalho "educativo" de persuasão quanto à legitimidade da ordem prisional.

**PALAVRAS CHAVE:** Prisão; menores; educação; disciplina; ordem; responsabilidade.

## Introduction

Recently arrived in the French correctional system are prisons for minors (PM). They are the fruit of the intention of converting the prisons designated to juveniles between 13 and 18 years of age into strictly “educational” spaces, with the objective of giving a response to the lack of socio-educational continuity of the juvenile prisoners in the *quartiers mineurs*<sup>1</sup>, located within the adult prisons<sup>2</sup>. In pursuing this objective, the PMs rely on the guards of the Correctional Service (CS), as well as a good number of National Education professors, medical personnel and educators of the Youth Judicial Protection Service (YJP).

Unlike the professors and sanitary personnel, who have their own spaces located in clearly identified buildings within the PM (“school wing”, “health wing”) to carry out their work, the YJP educators are obligated to collaborate more intimately and directly with the penitentiary guards within the daily life of internment. In turn, the CS personnel must organize the daily prison life with the YJP educators (or, at least, under their surveillance). In the day to day, this reciprocal obligation is embodied in the combined intervention of guards and educators in the different life units that compose the confinement space<sup>3</sup>. It is assumed, therefore, that educators and guards should work “in pairs”, an expression consecrated in the formal presentation of the PM and that is translated in the connection of the Correctional Service’s safety principles with the educational needs that are essential for the “re-socialization” of the prisoners.

Depending on the point of view of the YJP or of the Correctional Service Administration (CSA), the stakes and problems that the “PM” project brings up are at the same time different and similar. For the CSA, the “PM project” and its educational aspirations are perceived as a promise of a prison mechanism capable of concreting the “foundational myth of the prison sentence”. This permits, at least in the discursive order, the transformation of the “bad” of confinement into a “good” prison sentence (Faugeron & Le Boulaire, 1992). For the CSA, the PMs form a showcase that should shine even more when their opening is registered in the attempt, claimed by the French government since October 2006, of subjecting the functioning of the French prisoners to the “European Prison Rules” adopted in January of this same year by the Committee of Ministers of the Council of Europe.

From the YJP perspective, the fact that some of the members have to begin to implicate themselves again in the imprisonment<sup>4</sup> spaces debilitates one of the symbolic bases of their identity. In effect, the YJP is divided as an autonomous department of the Ministry of Justice (with the name, then, of Guarded education and, since 1990, of the YJP) after the Second World War, emancipating itself from the tutelage of the CSA. Thus, at the end of the 1970’s, the educators of the Guarded education abandoned the penitentiary enclosures where the minors were incarcerated, in the name of a reclaimed incompatibility between education and the constriction of incarceration, penitentiary or no, further on we will return to this issue. Therefore, the opening project of the PM is explicitly inscribed in a reform movement of the educational institutions designated to juvenile delinquents. In promoting the adaptation between the penal constriction in a closed environment and the educational responsibilities, the implementation of the PMs embodies a redefinition process of the educational action outlines that, in judgment of different personalities from the YJP sphere, will permit the simultaneous guarantee of the neutralization and educational correction of the juvenile delinquents (Sallée, 2009).

In this framework, and once reminded of some contextual elements around the recent transformations of juvenile justice in France, it would be advisable to ask how they are reconfiguring the educational practices of these new prisons. For this purpose, it will be necessary to pay symmetrical attention to the YJP educators as well as to the penitentiary guards. This symmetry is all the more necessary as, susceptible to being reclaimed as a personal competency before a professional one, the educational action could not be priori to a reserved action of the educators. In effect, the prison guards could reclaim their educational labor either resorting to personal competencies that, like any other person, can master or no, as a part of their work as guards or as an educational part tied to the relational competencies required during the daily course of their activity.

## 1. Methodology

Preceded by a presentation of the recent transformations experienced by the juvenile justice in France, the results that will be presented in continuation are based on the combination of empirical data collected within the two PMs (Chantraine, Dir., 2011<sup>5</sup>) in which the characteristics of the prison population translate realities globally similar to the national data (DPJJ, 2012)<sup>6</sup>. Each of these investigations is based on the realization of around forty days of direct observation and in fifty semi-direct interviews realized to all the actors in the prison area, from the professionals to the prisoners. Despite some important functional differences between these two PMs, from their architecture to the sociological composition of the professional teams that work hand in hand within them, our analysis is stabilized in the integration of data with the aim of proposing a reflection on the transversal stake of these establishments: the form in which the professional territories of security guards and educators are structured, through the practices of educational, disciplinary and security regulations of the behavior of the prisoners. The names and surnames of the people interviewed have been obviously modified and, in the intention of respecting the anonymity in a closed and restricted microcosm where people know each other and are observed constantly, we opted not to mention the age or the career types (professional or criminal) of the participants.

## 2. The context: recent transformations in juvenile justice in France

Since the 1990s, and particularly from 1993 (beginning of a political rotation favorable to right-wing parties), juvenile delinquency became a central political preoccupation. This mutation became apparent in the sudden increase of the official statistics on juvenile delinquency. This increase did not respond so much to a substantial transformation of the minors' behaviors, but to a modification of the penal response that was given to them (Aubusson de Cavarlay, 1999, Mucchielli, 2010).

In fact, the number of minors reported by the police and gendarmerie services shot up at the beginning of the 1990s. Meanwhile, from 1977 to 1992 this number went from 82,151 to 98,864, an increase of 20.4%, the increase between 1992 and 2011 was 79% reaching a number of 177,017 minors reported in 2001. Since then, this number has not stopped growing, reaching 214,612 minors reported in 2009 –that is to say, an increase of 17.5% between 2001 and 2009. This tendency has been accompanied by a series of political and media alarmists' speeches on the supposed "outbreak" of juvenile delinquency, feeding the massive diffusion of a "sense of insecurity" among the population (Robert & Pottier, 2004). Such transformations have provoked, logically, an increment in the jurisdictional activity for minors, absorbed in part by the major role assumed by the public prosecutor in the regulation of the flow of juvenile delinquents (Milburn, 2009). While the resource of actions known as "alternatives to prosecution" grew, in the case of the juvenile delinquents, the beginning of a judicial intervention "in real time" was imposed, prepared to control the new enemy of penal politics: the "feeling of impunity" of these new infra-socialized juvenile delinquents (Mucchielli, 2000).

What has been the evolution of the number of imprisoned minors in this context? In the first place, an important increase of the annual number of prison sentences exacted on minors during the 1990s really becomes evident: the number grew from 2,661 in 1994 to 4,326 in 1999, that is to say, an increase of 38.5%. However, this increase is before a strong decrease at the end of the 1980s<sup>7</sup> and, in fact, the rates of imprisoned minors never returned to reach, not even today, the record levels of the end of the 1960s and 1980s. At the end of the 1990s, the annual number of prison sentences for minors experienced, its first descent from 1999 to 2001 (decreasing from 4,326 to 3,283, -24.1%) and its second descent from 2002 to 2010 (from 3,839 to 3,107, -19%). If in the 1990s the increase of juvenile prisoners seems to essentially "follow" the continuous growth of the number of reported minors by the police and gendarmerie services (Sicot, 2009), how are we to understand the descent, since 1999, of imprisoned minors, while the number of reported minors do not stop growing, and political speeches of strength in the face of juvenile delinquency multiply?

In order to understand it, it is advisable to pause in a transformation of great importance that the juvenile justice environment has been experimenting since the middle of the 1990s: the qualitative transformations of the non-penitentiary internment dispositives of the juvenile delinquents. While the alarmist speeches on juvenile delinquency were spread, in 1996 and by the right-wing government, the units of Reinforced Educational Framework (UREF) were successively created, later transformed with the return of the left-wing to power in 1998 into Reinforced Educational Centers (REC) and, again, with the return of the right-wing to the government in 2002, into Closed Educational Centers (CEC). In this framework, the annual number of minors destined to these types of closed internment dispositives (REC + CEC) experiment a significant increase, passing from 1,316 in 2004 to 2,241 in 2010 (+41.2%). This increase is explained principally by the evolution of the annual number of minors located in CECs, that grew from 159 in 2004 to 1,240 in 2010 (+87.1%), while the annual number of minors located in RECs maintained relatively stable (+3.6%). Thus, the proportion of minors assigned to a CEC in respect to the total number of minors assigned to a space in the name of the penal right grew from 3.1% in 2004 to 19.1% in 2010. The tendency should clearly confirm itself in the coming years, taking into account that, supported by a recent report of the Senate on the efficacy of the dispositive (Peyronnet & Pillet, 2011), the Ministry of Justice just announced the opening of a score of new CECs throughout the following years. These data are essential in order to understand the problems that happen with imprisonment of minors in France. In effect, the novelty does not reside in the imprisonment of minors in itself, as much as in the will of converting the spaces of imprisonment into educational spaces.

The PMs are situated in the extreme of a continuum of resources based on the idea of an “education through coercion” as well as being spaces for the application of a deprivation of liberty sentence. As a result, it is advisable to describe and analyze the form in which the professionals of the PM –beginning with the educators and, after, the guards- resort to diverse educational conceptions, and the manner in which these educational conceptions and practices overlap and hybridize with the prison discipline and the production of prison order.

### 3. Educators in Prison

If in the PM, the educators effectively intervene *inside the walls*, one of the principle preoccupations is getting closer to the juvenile prisoners *above and beyond the walls*. The educational service of the PM usually is perceived and described, effectively, as one of the most ample elements of a socio-penal network and the educators are defined, generally, as a link of the judicial chain, from the magistrate that decides on the ingression of the minor into prison to the external educator that follows their trajectory. In this framework, the educators are considered intermediaries between the interior and the exterior of the PM. This external prison analysis of the educators on the trajectory of the juvenile prisoners is directed at their history previous to the incarceration as well as their orientation after it, based on an eventual departure project. From the perspective of this study, oriented toward the future departure of the minor, the educators focus, above all, on the task of making him comprehend that he is not only battling with a closed environment, but with a more dense external environment: the environment from which he comes and to which he will return when his period of incarceration has finished.

But the mission assigned to the educators that intervene in the PM does not end there. In effect, together with the prison guards, the educators feel obligated to implicate themselves in the daily life of the prison environment y sustain in this environment some properly educational spaces. The objective pursued is to promote the construction of a continuation between the prison rhythm of the PM and a “normal” social rhythm, hoping to reduce the risks of de-socialization consecutive to a radical rupture with the exterior. This educational conception is that which, since the mid-1990s, has permitted different actors of the YJP direction to justify the necessity of resorting to some structures based on a reinforced and closed educational framework (REC, CEC). From a critical analysis of many educators focusing on the primacy of the

construction of dual relationships with the minors, an educational thought of a “collective”<sup>8</sup> has been legitimized. From the criticism, since 1998, of the brutal idleness suffered by the juveniles in the *quartiers mineurs* of the prisons, two former educators, Jean-Louis Daumas and Manuel Palacio, pointed out the necessity of “[supplying] a consistency at all hours of the day”, of “[organizing] the imprisonment in order to convert it into an educational tool instead of an hourglass that, as if it were a boomerang, returns the devalued image of the youth back to himself” (Daumas & Palacio, 1998, p.22). However, this educational conception, sometimes called “doing together” (Botbol & Choquet, 2010), is not unanimously shared in the PM. Among educators, the limited space that these types of establishments leave for the possibility of carrying out what they would judge to be a “true educational follow-up” of the prisoners are effectively denounced. Thus, and still at risk of disregarding, falling into euphemisms or, what sometimes is the same, of assuming the obvious structural violence of *quartiers mineurs*, some educators end up envying the exercise conditions of the educational function in such spaces.

I do not believe that the PM is an educational space. There are two ways to see it: there are those of the fostering culture and, therefore, of the collective, and those of the open environment and, therefore, of individual accountability. I belong to the culture of the open environment, therefore here the friendships are not the only thing I gain [...] In the end I came to the conclusion that I could work perfectly in a *quartier mineurs*. I know there are arguments against them... but I think that in the *quartiers mineurs* the framework is so clear, that the minors get into the proposed educational spaces like crazy. It’s a godsend for the work of the educators, like doing interviews with the minors (Christine, educator).

This educator’s justification of the necessity of a “strict” prison framework coincides with the criticism according to which the PM would cause a double confusion of categories. In the first place, a professional confusion, given the risk of dissolution of the educational identity into a “PM” identity that would lose the specificity of the YJP. Secondly, a penological confusion. Here, the criticism directly puts the PM’s conditions of detention under judgment. Structured by a morning and night hyperactivity and based on the traditional characteristics of a prison (spatial separation and segregation, inertia through the redundancy of a daily life with little room for innovative initiatives, uncertainty in respect to the length of detention, disciplinary system, hyper-surveillance, etc.), although, the reclusion conditions are reported as “too flexible”... Accused of distancing the PM from a “real prison”, such conditions would impede the emergence of an “awareness” of the delinquent in respect to the gravity of the criminal acts that determined their incarceration. This idea according to which the PM would not be sufficiently distressing reveals a conception of educational work as a work of “responsabilization” based on the intervention for structuring the personality of the juvenile delinquents within memory of their penal obligations<sup>9</sup> -here, the end will justify the means.

#### 4. “Educational” guards

The punctual resurgence, although frequent, of this educational conception in daily life enlightens the form in which the prison puts to test the professional identity of the educators. This testing is especially tied to the position adopted in these new prisons by the penitentiary guards. Unlike the educators, whose primary mission consists of producing socio-educational trajectories above and beyond the walls, the guards should occupy themselves, principally, in the production of the order *inside the walls*. Just as in the adult prisons, the guards usually resort to an informal system and to a “give and take” in order to regulate the individual behaviors and control the prison climate<sup>10</sup>. But, in a prison for minors this system could convert into an opportunity for those who desire to distance themselves from their traditional -and stigmatized- role of “screw”, to give the system a semantic, educational content. Many are, in fact, those who explain to have chosen the PM in order to give a “sense to their profession”, after having worked in different detention cen-

ters and other prisons for adults<sup>11</sup>. This view, that participates on one hand as a reevaluation of the traditional role of the guard, is on the other hand susceptible to signing up for a professional or personal route where the sensibility to the “troubled youth” and toward the “social misery” combines with the true conception of the profession of the guard. According to this view, Michel, whom we interviewed days before his retirement, explains:

I did it by my own decision, because I wanted to change... I was getting tired of what I had chosen at the beginning and I wanted to open up a bit. After, I realized that in normal life there are many children in difficulty, a lot of social misery. In my case, in quotes and modestly, for my two kids it has gone pretty well. I think that I have given them a correct education, more or less. So I concentrated myself in this and I worked, I went in depth into the issue and I did it the best I could till now. I am not saying that it has been a complete success, no, but I think that I contributed things and, in change, I received little... positive returns, kids that have written me to thank me (Michel, guard).

In insisting on the importance of his personal experience and in the education of his children, Michel exhibits one of the central claims of some guards, according to which the educational tasks are not exclusively reserved for a certain professional category. The criticisms toward his YJP “colleagues”, to whom they usually fault as “permissive” and of participating in the transformation of the prison into a “Club Med” or into a “four star hotel”, does not prevent some guards from establishing themselves as the real educators of the PM:

The guards, I shouldn't say this, but many times we are more educators than the educators. Look there, see? [indicating with a gesture of his hand the absence of the educator in the office], if a boy calls for someone WE are the ones who are going to see him; if one of them crosses the line, WE are the ones that will put him in his place [...]. An educator puts them in their place [with a curt gesture of the hand, up and down], reminding them of the limits (Bruno, vigilante).

This conception of his role is embodied in the guards with the superposition of authoritarianism and “educational” speeches, based on the idea that the imposition of some clear and rigid “limits” is the sine qua non condition of “good” educational work.

Discipline is important and we tend to forget that if you listen too much to a kid, if you don't mark some limits for him, he will tend to do anything. Just because no one gave him any limits. [...] Those of us who have received an education don't realize that a kid that has not been educated like that, to whom they have never said “no”, to whom never was given any limits, could...well, could be completely disoriented. [...] I say “no” to the choice of activities, they shouldn't be able to choose, because marking some limits to these boys signifies giving or imposing a program on them (Jean-Claude, principal guard).

According to the PM guards, with the juveniles that “have lost all limits” it would be advisable to resume an educational and socialization work where the parents have failed. This educational conception proposes the virtuous vision of the “give and take” practices that could come to positively or negatively sanction the prisoners in the day to day. In this sense, the traditional forms of order in the internment space could be understood as the result of an educational conditioning based in the behavioral principal of the stick and the carrot.

But the guards are not the only ones that have this educational conception: there are also many educators that proclaim its supposed efficacy. This conception is effectively defended by distinct actors of the educational sphere that believe it necessary to reaffirm the “social duties” that weigh over the juvenile delinquents, with an end of “transmitting to them values and the knowledge necessary in order to integrate themselves in a rationalized society” (Youf, 2000, p.110). This behaviorally oriented education, constructing

one foundation of the constrictive fostering dispositive -REC, CEC-, is based on the idea of a new conditioned learning of the rhythms of a “normal” social life. The agenda and the regulation associated to it are considered educational tools of principal importance. If some guards are not distributed in a guard role but legitimated to reclaim the educational part of their mission it is thanks to an articulation between the aforementioned educational virtues of the imposition of “some limits” and that described as pragmatic necessities of a management in terms of “give and take”. That is how the guards are introduced to the field that the educators feel is exclusively theirs: the educational field. The lack of reciprocity, that we will detail now, explains the structural dominance of the security logic over any other logic of action in the imprisonment space

## 5. “Educational measures” and penitentiary supremacy

When the more informal order production practices seem insufficient, the direction of the PM promotes forms of sanction that permit the different professionals to respond to the behavior of a prisoner evading the disciplinary procedures regulated by the penitentiary law. These sanctions generally consist of the deprivation of the collective times -communal eating, sociocultural or sport activities- for some time, usually one day, in order to respond to a fault for which the professionals don't think it necessary to open a disciplinary procedure - an insult, a refusal to return to the cell, or an ordinary act of disobedience.

The ordinary name of these sanctions as “educational measures”, should be analysed seriously. In the speech of its promoters, the educational dimension of these measures lies in the fact that they permit to immediately put back the juveniles in their place, while skipping a disciplinary procedure -described as too long- the misconduct would be disconnected from the response provided by the professional. In order to defend these types of arguments, the prison hierarchy usually resorts to, again, the familiar rhetoric, of appealing to the topic of educational common sense and the figure of the good father of the family that would justify a more flexible regulation of the altercations.

Alternative to the incident report<sup>12</sup>, the status and finality of the “educational measure” could even be converted into an object of intense controversies between educators and guards. In the “pairs meeting” of one unit, the three educators present tried to defend the pertinence of alternative sanctions to cell confinement to the guards, basing themselves in the example of a recently sanctioned minor by the unit guard with an “educational measure”, for having refused to return to his cell.

*Virginie, educator.* It's like what happened with Sammy [the sanctioned minor], they could have asked us, no? It's sanction or sanction. Right? You could request a written work on their actions, for example, that would be much more interesting.

*Julie, guard.* Either way, they wouldn't do it.

*Virginie.* iWith us they will! That is why we are here. Make them write something of 10 pages, for example, something on violence and all that, it could be interesting; it is always better, anyways, than letting them watch TV all day.

(Field Diary)

In this PM, the educators of this unit collectively denied the “educational” character of these regulational devices of conflict. Therefore, an educator became angry with the guards that presume of educating through the practice of confinement: “It turns out that a sanction is not automatically educational, that is the problem. And for me, confinement is not. It is not educational. The guards call it an ‘educational measure’, sorry but it makes me laugh: it's just that it is not educational, it isn't educational at all”. This being a waste of time, because the content of the educational measures have never changed -or not, at



least, during our investigation. It's name, however, has evolved significantly, progressively sliding toward the notion of "measures of good order", also called "MGO". This semantic slide that underlines the law-and-order nature of these kinds, of sanctions tells us about the fool's game that structures the controversies between the educators and guards of the PM, when they are not related to the educators' work, but to the guards: the security.

If the scope of the debates grows and threatens to reach the professional territory of the guards (guarding and producing order), they have an ultimate argument, to which they run regularly and effectively, to cut off the professional controversies: the *penitentiary* nature of the establishment. In other words, the *educational* legitimization of the order regulation practices can always be suspended in order to give preference to the security needs of the institution. That is what happened, for example, after an incident occurred during a sports session in which a minor climbed a wall of the PM gym and started to provoke and insult the guards present. In response to the incident, the guards decided to open a disciplinary procedure as well as use an "educational measure" for the rest of the day<sup>13</sup>. While the educators present denounced that this would be an anti-educational "double punishment" and proposed alternative types of measures in order to respond to the incident, the guards *did not risk getting into* a potentially dangerous controversy, contenting to putting forward the imperative of security before and the imperative to react to a situation which could become a dangerous situation. Some days later, a principal guard returned to mention these characteristic forms of the regulation of conflicts stressing, through the temporary description -"at any given point"-, of these moments-scales during which the security imperatives are given priority over any other consideration:

There could be cases in which the CRI (incident report) and educational measures add up, because the fact of leaving the prisoner in the cell is a measure of security, for which I would give up calling it an educational measure; it has to do with a measure that permits us to put an end to an incident and prevent it from reproducing itself. Since we know that if you remove them, the prisoner will repeat the incidents because he is still seething [...]. In any given moment, we are obligated to protect ourselves, protecting the belongings of everyone forms a part of our commitment (Michel, principal guard).

Although this resource is only mobilized in a punctual way, it is always *able to be mobilized*, drawing, in this form, the asymmetry of the institutional power relations that affect the relationships between educators and guards. The Correctional Service Administration (CSA) adopts, in this way, a posture of cooperation *under a penitentiary condition*. In accordance with this posture, the educational part of the security mission in the PM is assumed on the basis of some forms of distribution and cooperation with the educational personnel, but only after having adjusted the functioning of the establishment to that of a "prison". The notion of "prison" itself, and that which it entails regarding representations in terms of institutional inertia, is utilized for cutting the root of the controversies around alternative forms of organizing the imprisonment. Its recurrent use translates to, in the last instance, the supremacy of the CSA and its capacity of reproducing its ordinary functioning.

## 6. The extension of penal responsabilization

The fact that no claim over the organization of the incarceration is capable of thriving produces some forms of despondency and, even, of apathy among the educators. In agreement with the analysis of Guy Bajoit (1988), this "apathetic" type of reaction facing discontentment<sup>14</sup> is translated in a "deterioration of cooperation" and in a loss of adhesion to the objectives of the activity, [taking advantage of] the individual and "of his status" in order to do the least possible (*Ibid.*, p.332). To a relative distance of the work in "pairs", some educators end up converting themselves, in the day to day, into the passive and disappointed critics of the modalities of order production of the CSA.

At the same time, the relative lack of educators' involvements in the order production practices is perceived by many of them as that which permits them to concentrate on what, in their opinion, is the "real" educational work: the following of the individual trajectory of the juvenile prisoners and the objective of responsabilization -described above- that accompanies it. Thus, the educators can lose interest in the relationships of cooperation with their guard "colleagues" without it supposing a renunciation of the objectives of their work. The ambivalence of this logic of disinterest sometimes reactivates in the face of the primacy of the security logics and others proactive in the defense of their professional identity, accentuating the more general ambivalence of the stance taken by the educators in the PM. Although these attitudes are effectively seen as legitimate for the verification of a penitentiary supremacy in the definition of the prison order production modalities, they also have the rebound effect of legitimizing this supremacy, resulting in a form of "a well understood misunderstanding" (La Cecla, 2002), where the educators, including the more dissatisfied, can conform with the situation of asymmetry in order to find resources for increasing their professionalism.

Therefore, in certain situations the educators are implicated in a logic of educationally investing the penitentiary practices of order production. The educators are limited to intervening after the sanctions have been imposed by the guards, resorting to a "responsabilization" conception of educational action in order to legitimate, at the same time, the efficiency of the work in pairs and the educational pertinence of penitentiary order. This is what happens regularly in these daily and trivial incidents that threaten the daily life of the PM. An example: accused by one of the principal PM guards of having ripped his bed sheets and feeling victim of an injustice, a juvenile prisoner firmly refused to return to his cell; while the educator of the unit tried to talk with him in order to propose a time in which they could talk, the repeated insults of the minor toward the guards gave place to a demand of "reinforcements"; the educator was then placed in the background, as if her turn had passed, to not intervene again until the incident had already been "controlled" by the penitentiary guards:

Two new guards enter the cell and Jilal got even more nervous: And you guys, what are you doing? You think I'm a thief, right? Come on, freaks". One of the guards then grabbed his arm in order to put him back in his cell. The minor struggled, each guard grabbed a leg or arm, the minor yelled, resisted. They put him on the floor, made the alarm sound and immobilized him. Some ten more guards arrive: "What is happening here?" When they get him in the cell, the Lieutenant says: "Ok, confinement for the whole weekend". The educator thinks that this incident could serve for the minor to "reflect on his actions". "You have to let him reflect a bit. In the end, I talked with him through the bars and I told him: 'now it's your turn to reflect on your actions, your reaction was excessive and you should assume the consequences'. That is how I am with them, you know? You have to bring them back to reality. This is not the way things are, you can't let one pass. The educators, we can't be here to decorate, none of that, our role also consists of reminding them of where they are, why they are here and what the rules are! (Field Diary)

During these typical scenes of interactions, it is not only about legitimizing the afflictive character of the sentence as a sine qua non condition of awareness by part of the offender with respect to the gravity of the infractions committed; neither does it have to do just with constraining of the minor to a conversation in which he confesses and expresses his feeling to the professionals. As it is unmeasurable and the configuration of the strength relations among professions impedes any form of innovation, although it is only to legitimate their presence in the secluded space, the pertinence of the penitentiary order and its system of sanctions is legitimated. The "responsabilization" is, therefore, a responsabilization that is *penal* as well as *penitentiary*. In spite of the enormous artificiality of the prison organization in respect with the exterior, the respect for the prison rules tends to convert here in a principle criterion and sometimes the only criterion of educational success in the PM. The educators then accuse the minor of their own incapacity to change the security framework of the establishment.

## 7. Conclusion

The peculiarity of the PMs inside the French correctional system resides in the fact that, in them, the guards are forced to challenge the traditional penitentiary abilities. This is because of three reasons. To start, because they cannot completely ignore the specificity of the juvenile status of those whom they guard. Next (and above all), because their everyday lives are more subject to the control of other professionals that do not pertain to the Correctional Service. Lastly, because they are facing multiple perceptions of the prisoners from other professionals (for the YJP educators, the minors are certainly prisoners, but also, precisely, “youths”, “adolescents”, “kids”, and even “children”); a multiplicity that denaturalizes the evidence of the security responses, above all in respect to the sanctions to which usually try to find a constructive character beyond that of their function of order production.

Therefore, the determination in the PMs to produce order improving the quality of the social connection (dialogue, listening, and negotiation) is developed, assumed, and even, defended more; they adopt, above all, an “educational” coloring that reinforces the feeling that their profession has a meaning above and beyond imprisonment. For all these reasons, the PMs seem to represent an advanced form of the de-totalitarization of the prison institution<sup>15</sup>, thanks to a greater acceptance of the social and human complexity of deviant adolescence and, therefore, the rejection of reducing the juvenile to his prisoner status.

This movement is, however, paradoxical. It is effectively based in a sophisticated punitive continuum that articulates infra-disciplinary measures of good order, whose supposed efficiency resides in the immediacy of their start-up and in the flexibility of their management, with classic disciplinary procedures, sometimes reclaimed as “educational” but whose application continues being a prerogative zealously reserved for the Correctional Service Administration and capable of leading to brutal sentences such as the ingression into a disciplinary module. In certain measure, the PM reunites the flexible constrictions characteristic of the non-prison educational institutions, such as a children’s shelter, and the rigidity of prison regulations. The posture adopted by numerous YJP educators in the PM symbolizes this paradoxical movement. Although the educators effectively participate in the opening process of the prison to the exterior when they are dedicated to the construction of individual trajectories outside the walls, the majority of them also try to legitimize their presence inside, naturalizing the penitentiary constraints. The concept of responsabilization education acts as a pragmatic resource, generally mobilizing a posteriori, that permits the educators to defend their monopoly in the educational work at the same time that they delegate the order maintenance tasks to the only authentic representatives of the order in prison: the prison guards. This specific position completes the action for the guards: not only dealing with constraining the bodies of the prisoners to submit themselves to the penitentiary order, but also with working in pursuit of a mobilization of the prisoner subjectivities through a work of persuasion over the validity of the penitentiary order. The PM will be directed in this way, by a historical ruse, the disciplinary utopia.

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## Notes

<sup>1</sup> Modules designated for minors in the adult prisons [N. of T.].

<sup>2</sup> Even though the opening of 6 PM since 2008 have allowed for the closing of some *quartiers mineurs*, today both forms of incarceration exist. The first of June 2012, the 6 PM had 265 male prisoners and 10 females, whereas in the 45 *quartiers mineurs* there were 444 males and 21 females.

<sup>3</sup> All the PMs are composed of 7 life units, with a maximum of 10 juvenile prisoners in each one. One of them is reserved for the "new arrivals" and they stay in observation there for a week before they are designated on of the other six units.

The choice of this destination is discussed and decided in the meetings of the “UMC” (Unique Multidisciplinary Committees) in which the guards, educators, professors and, and of a random form, the sanitary personnel gather.

<sup>4</sup> This combination figures in the Perben Law I of September 2002, “of the orientation and programming for justice”.

<sup>5</sup> Investigation realized with the support of the GIP, Mission of Recherche Droit et Justice.

<sup>6</sup> According to the reports on the activity of these two PMs relative to 2009, the great majority of the minors are incarcerated in the framework of correctional procedures (90%, in comparison with the 10% that are incarcerated in the framework of criminal procedures), principally for acts of theft or armed robbery (practically 50% of the minors incarcerated), very rarely for violent acts (more or less 15%). Rape (less than 5%) or murder (less than 3%) are clearly a minority. Furthermore, around 60% are of the juvenile prisoners are preventative and are awaiting trial, and 40% are convicted. The average duration of juvenile confinement is less than two and a half months.

<sup>7</sup> This descent is significantly consecutive of the vote in of two laws, in 1987 and 1989, which aimed to limit the provisional prison of the juveniles.

<sup>8</sup> In the planning of these arguments, it is important to emphasize Manuel Palacio, known in the YJP for having been the defender, in his quality of Director, at the end of 1990, of the Office of Methods and Educational Action of the DPJJ, of the opening project of the educational centers of residential foster care based in the use of constriction and containment.

<sup>9</sup> This educational conception is stabilized in a representation of the juvenile delinquents considered as people to “make accountable”, and drink fundamentally from the strong influence in the YJP of the reflections of Pierre Legendre on the ties between rights and psychoanalysis (1992) during the decade of 1990 (Sallée, 2010; 2012). This lecture permits placing in the foreground the need of educators for reestablishing in the mind of the juvenile delinquents in symbolic order based on the limitation of their unconscious desires and omnipotence.

<sup>10</sup> The importance for the guards to turn to forms of negotiation around the rules, in the everyday production of the prison order is a relatively classic result in prison sociology (Chauvenet *et al.* 1993; Chauvenet, 1996; Liebling, 2000; Liebling & Price, 2001; Chantraine, 2004; Crewe, 2009).

<sup>11</sup> The authors talk about detention centers (for preventive prisoners or prisoners convicted to prison sentences for equal or less than one year) and *maisons centrales* (prisons for convicted prisoners with sentences for longer than one year in prison), prisons that relatively correspond (the coincidence is never total due to the differences between penal and prison legislations of different states) in the Spanish state with the preventative prisons (prisoners awaiting trial or convicted to prison sentences of equal or less than 6 months) and prisons (for prisoners with prison sentences of more than 6 months) [N. de la T.].

<sup>12</sup> Prior to a disciplinary procedure, the use of the incident report turns out to be ambivalent: for a potential threat toward the prisoners, used with too much frequency or in an “inadequate” way could discredit the guard in front of the minors and his coworkers, to start showing their incapacity to manage confinement problems for themselves as well as their incapacity to win, impose and maintain for themselves the “respect” of the prisoners.

<sup>13</sup> The accumulation of infra-disciplinary and disciplinary punishments in prison (Sallée, Chantraine, 2009, p. 115) constitutes the complimentary strategy to the elusion of disciplinary procedures. Together, both strategies offer a very diverse punitive panel that turns inoperative. For the guards, the difference between rights and no rights, in the observation of the social uses of rights in a confinement situation.

<sup>14</sup> Guy Bajoit wanted to complete the model initially proposed by the economist Albert Hirschman (1972). The behavior of loyalty proposed by Hirschman as alternative to the behaviors of protest and escape does not permit the understanding, according to Bajoit, of the frequent attitudes of resignation and passive participation used against discontentment.

<sup>15</sup> For a presentation of the sociological works that deal with this process of “de-totalitarianization”, see Chantraine (2000).

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Received date: 11.2.2013

Reviewed date: 6.3.2013

Accepted date: 25.4.2013

## How to cite the article

Chantraine, G. y Sallée, N. (2013). La educación puesta a prueba en un espacio de reclusión. *Pedagogía Social. Revista Interuniversitaria*, 22, pp. 29-42.