



## The maternal condition as a limiting factor to prison: The eternal puerperal state exerted on female bodies

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### **ABSTRACT**

This article addresses the context experienced by mothers in custody in Brazil, as well as the perceptions that the criminal justice system has about these women in particular and how this impacts the exercise of motherhood inside and outside prison institutions. Based on a Foucauldian analysis of disciplinary power and control mechanisms, a correlation was established between these elements and the puerperium. The methodology used was a literature review with an approach based on the theoretical basis of Michel Foucault.

**Keywords:** Maternity, Incarceration, Genre, Control.

### **1 INTRODUCTION**

In "Discipline and Punish", Michel Foucault makes significant analyses of the control exercised over bodies and how this power, once physically exercised, now belongs to an incorporeal reality, overcoming the sphere of judgment about the criminal conduct of the accused and reaching "the heart, the intellect, the will, the dispositions" of the individual (FOUCAULT, 1987, p. 20). The body is in a political sphere, in which power relations have an imminent effect on its matter and whose finality is linked to its economic benefit, that is, its productive capacity (FOUCAULT, 1987).

Since the body is a means, the interferences performed on it, whether by imprisonment or by the obligation to work, aim to frustrate it from its freedom, recognized simultaneously as a right and a good. In this perspective, the punitive power, in a camouflaged way, inserts the subject in a coercive and restrictive context, in which although physical punishments are no longer the elements of punishment, the consequences provoked by the suspension of his rights resonate as serious consequences (FOUCAULT, 1987).

According to the author, the complexity of the relations invested on the body, besides giving it a utilitarian character, restrict its usefulness to production force and subordination. Therefore, the individual is made viable as a tool in which the disciplinary power exercises the universality of the laws and is administered selectively to certain subjects (FOUCAULT, 1987). It is in this scenario of exclusion that the

custody of the State in relation to women, crosses gender and focuses directly on the control of the exercise of their maternity through criminal justice agents (BRAGA; FRANKLIN, 2016).

Based on the author's proposition, the discussion in this text starts from the premise of two bodies: woman and child, mother and child, two vulnerabilities that are judged and punished by a penal system that reproduces the social roles of gender, but, above all, intends to annul them in their essence. The existence of two souls that constitute fragments in the extensive network of domination exercised by the "technology of the power to punish" (FOUCAULT, 1987, p.110).

To highlight the women's agenda by discussing the gender issue in prison and link it to the punitive tools and the effects that result from this mechanism is a significant challenge. First of all, because we are facing a bias in which the power exercised over imprisoned women has greater implications than the impacts that affect the male prison population. Moreover, the incarceration of women reveals the tragic reality of the child population held in prisons, showing that motherhood and the education of the children of female prisoners are targets of a double penalty commanded by a veiled power that scrutinizes, compares and idealizes (FOUCAULT, 1987).

For female prisoners, the exercise of their maternal role is far from being a special and expected moment; on the contrary, it is permeated with feelings that include suffering, remorse, concern and anxiety (BRAGA; ANGOTTI, 2015, p. 40). These feelings are not related to the offense committed, but to the intervention of criminal law in a field beyond the association of crime and punishment. The control of women's maternity in prison reveals the manifestation of a power that is not limited to gender, although it is reinforced by this, coupled with a series of circumstances that disable the prisoner as a mother.

For the methodological construction of the study, qualitative research of bibliographic and documental nature was used, focusing on the issues that make the exercise of maternity in prison institutions unfeasible. Thus, the approach is premised on the gender marker not only as a discriminatory element, but as a decisive factor in the application and maintenance of disciplinary power in the criminal justice system. Initially, the perception of the judiciary will be portrayed in criminal cases whose defendants are mothers, followed by the treatment given to imprisoned mothers in prison institutions and, finally, an analysis of the puerperal period experienced by imprisoned mothers.

## **2 MATERNITY IN PRISON AS SEEN BY THE BRAZILIAN JUSTICE SYSTEM**

Foucault (1987) relates the apparatus of punitive power as a factor that transcends the crime, and falls directly on the subject that committed it, disregarding the acts committed, prevailing over nature and determining the future. This punitive mentality is present in the trial of imprisoned mothers from two common inclinations: either the magistrates deposit in motherhood a moral attribute capable of removing them from criminality, so they admit the maternal rights or they refute them under the denial that the

criminal behavior of the defendant does not coincide with the posture of a mother indispensable in raising children (BRAGA; FRANKLIN, 2016).

In the first conception, maternity configures an aspiration that provides morality and principles, making it possible for the woman to leave the world of crime and therefore value the fulfillment of her maternal role. From this perspective it is revealed that the reproductions about being a mother and criminality are irreconcilable because sometimes the woman is a transgressor and the state apparatus removes her possibility of being a mother, fostering imprisonment, and sometimes there is the recognition of her maternity and the state waits for the mother to no longer be a criminal, leading to the de-imprisonment (BRAGA; FRANKLIN, 2016).

In the second case, the condition of being a criminal is enough to invalidate the prisoner as a good mother, so that the justice system, by preventing various opportunities for accused or convicted women to perform motherhood, does not consider the particular circumstances of that woman, much less the reality of other family formats diverging from the traditional axis (BRAGA, 2015). The decisions of criminal justice actors are made based on their own convictions of the family context, which, in turn, diverge significantly from the reality not only of imprisoned women, but of millions of Brazilians (BRAGA; FRANKLIN, 2016).

The judiciary acts in these issues not from a circumstantial scenario to be analyzed, but through the application of laws and devices, framing the actions in certain general levels, acting in the classification of what is legitimate and what is not tolerated. The normative power allied to surveillance characterizes a relevant power tool, in which the criteria of normality, comprehensiveness and generality aim at the formation of a homogeneous society, coercing it to fit into previously established standards (FOUCAULT, 1987).

However, at the same time that this power aims at social uniformity, it also particularizes, by consenting with the analysis of deviations, delimitation of categories and differences (FOUCAULT, 1987). Thus, once the social standard given to maternity exists, which lists several attributes, sometimes unattainable even for women in freedom, its compatibility with criminality represents something unacceptable for those who hold the justice system.

This phenomenon also occurs, significantly, in cases where judges grant the granting of house arrest, limiting the reasoning of the decision in the preservation of the rights of the child. In many cases, the superiority of the child's interest overcomes or invalidates the rights of the mother (BRAGA; FRANKLIN, 2016). It is important to emphasize that the criticism does not refer to the pertinence of attending to the child's rights, but to the way this mechanism is adopted, through social standards that list the genuineness of the child as opposed to the guilty mother (BRAGA; FRANKLIN, 2016).

The reproduction of these moral values, in the judgment seat, causes the prisoner, by herself, to have no right to exercise her maternity, so that the analysis of the case is transferred to the child, now synonymous

with innocence and fragility, allowing the position of the magistrates to be more flexible from then on. Although the judiciary actors are assertive in paying attention to the vulnerable condition of children, this concern cannot delegitimize the rights of mothers to exercise a dignified maternity (BRAGA; FRANKLIN, 2016).

Foucault (1987, p. 207) warned that the sanction in the perspective of disciplinary power does not aim at the remission or cohibition of delinquent acts. Its target is the achievement of five specific procedures: "to relate the acts, the performances, the singular behaviors to a set", which is used concomitantly as comparative scope, area of differences, and precept to be practiced. To distinguish people from one another and on the basis of this collective determination establish the notions of analogy as the minimum, average, and maximum. To measure and categorize in terms of utility the intrinsic aptitudes, degrees and characteristics of subjects. To execute through this understanding a value judgment which individuals are resigned to achieve. Finally, to delineate the threshold of what will be considered alien among the existing differences.

The control and discrimination regarding the exercise of motherhood by prisoners permeate various sectors of the justice system, but it becomes more noticeable, especially in the attitude of judges. A common complaint among imprisoned mothers is that they are not asked about their pregnancy or the situation of their children (BRAGA; ANGOTTI, 2015).

In the same way, none of the prisoners with whom researchers Braga and Angotti (2015) had contact during the "Giving birth in the shadows" project had any information about the processes concerning the regulation of child custody and a significant number of them mentioned that they had never received summonses or participated in civil hearings during their time in prison. The prisoners do not have the opportunity to be heard in the processes that refer to the future of their own children, reinforcing the concern of these mothers who are anguished by the arrival of the sudden moment in which the bond with their babies will be broken.

This is the outline of the prioritization of punitive rationality over other social factors, since the appearance at the criminal hearing is considered important, and there is, in significant times, an escort to transport the prisoner, however, her presence and the right to speak in processes concerning family issues is disregarded (BRAGA; ANGOTTI, 2015).

Foucault (1987, p. 113) explains that committing a crime causes a breakdown in society that, if not properly punished, brings the possibility of repeating the act. Punishing will then be an art of effects; more than opposing the enormity of the penalty to the enormity of the fault, it is necessary to adjust one to the other the two series that follow the crime: its own effects and those of the penalty. Punishment as a preventive measure and seen as the result of the sanction now inclines to form the basis of its economy.

At this juncture, the dangerousness of the criminal conduct has more to do with the consequences that may result from the act than with the commission of the act itself. Quantifying the penalty disregarding

the crime, but based on its eventual recurrence, deals with the future, acting in such a way that the offender does not want to repeat the act and eliminating the possibility that others may imitate him. The infraction is the factor that causes the chasm between the individual and society, it is the reason that makes it possible for everyone to unite to fight a common evil. In one perspective, the offended society is equipped with the integrality of rights and power; on the other side is the enemy (FOUCAULT, 1987).

It is precisely in the generalization of the social impacts arising from crime and in the preservation of what is currently called public order that the criminal field diffuses its relevance as a legal good to be defended above everything and everyone. The protection of the public interest sometimes supplants abstract dangers, especially in cases involving the imprisonment of mothers and pregnant women who are mostly inmates due to drug trafficking (INFOPEN, 2019). Unlike the criminal scope, in which the comprehensiveness of the potential offended makes it impossible to delimit its real scope, the effects caused in the family and social sphere of the imprisoned mother are concrete and palpable, they have body, soul, identity and the actions and attitudes taken in the early years of their development can tragically influence the destiny of their lives.

This demonstrates the significant difference between the representation of criminal women and the maternal role, as if the connection with the crime of drug trafficking revealed in itself an imprudent maternity, when in reality the debate to be analyzed is that exactly the need to provide for the family is what influences a significant part of women to enter the drug trade (BRAGA; FRANKLIN, 2016).

The understanding persists in the criminal system that the criminal mother, especially the one involved in drug trafficking, has a potential threat to the morality of her children, thus justifying that the children be educated by other people. However, considering that the illegal drug trade is an offense in which violence is not a presupposition, once again one speaks of a judgment that transcends its purpose, because it leaves the sphere of analysis of the transgressor behavior and passes to a value judgment in which the attitude of the transgressor mother can influence the family environment, although it is believed that it is only doing an examination on the effective risks of the child (BRAGA; FRANKLIN, 2016).

The trial of the accused, once carried out in an objective way, characterized by the search for the truth of the criminal act, with the identification of the authorship and the attribution of the penalty defined by law, started to suffer a series of circumstantial interventions regarding the individuality of the transgressor that were received by the justice system, as a way of knowing, techniques, "scientific" discourses (FOUCAULT, 1987, p. 26).

"The introduction of the "biographical" is important in the history of penalty. Because it makes the "criminal" exist before the crime and, in a limiting reasoning, outside the crime" (Foucault, year, p. 280). Based on this premise, the causal relation of psychological nature is being conducted together with the aspect of legal accountability, mixing its results, so that any decisive factor that influences his responsibility

sanctions the offender with a more fearful crime and consequently opens a margin for greater repression by the penitentiary system (FOUCAULT, 1987).

Once the offender's life story is related to the criminal offense, the examination of the criminal context and its dimension is invaded by the penal and psychiatric discourses that, when allied, misrepresent its limits, establishing in its core the conception of a dangerous person. It is in this complex of cause and effect compared to an entire biography that a punishment-correction judgment is implemented (FOUCAULT, 1987, p. 281).

This rationality present in the contemporary bias of criminal justice armed with an "incorporeal penalty" and that reaches the individuality of bodies (FOUCAULT, 1987, p. 19) is fundamental to understand "who holds the power to produce valid knowledge in Law, from which positions this voice speaks and which are excluded, and how these objects of study conform or not to the studied normative propositions produced by this Law." (BRAGA; FERREIRA, 2021, p. 327)

At this juncture, it would be ignorant to trust that the law is thought for the collectivity, that it represents everyone; it would be more sensible to admit that it is reserved for some and used to the disadvantage of others. To assume that, initially, the legislation is a parameter of mandatory compliance for all people, but is directed especially to the bottom of the social class, the less educated. Recognize that the judgment made in the judiciary does not correspond to society's judgment towards one of its members, but rather portrays the conception of a certain social class in charge of exercising order by reprimanding another category destined to disturb (FOUCAULT, 1987, p. 303).

The legal system still has a considerable number of supporters who defend the premise "that the method of interpretation and application of the law is neutral, objective and impartial, and therefore, always able to produce a correct decision" (SEVERI, 2017, p. 72). According to Gomes, these innate classifications in the way of writing and saying the law formulated with support in exclusionary standards, disregard in their conceptions, the corporeal reality by suggesting a strictly rational individual. This issue constitutes an essential factor to understand the particularities that Law provokes, although it repeatedly denies its incidence and intervention in this sphere (GOMES, 2019).

Some existing groundings in legal dogmatics are often disseminated by its researchers as absolute premises, which is observed in the considerations about the "subject of rights" and "human person" (GOMES, 2019, p. 873). However, these universal conceptions fit some, or even no one, of the real individuals who will be the object of the criminal justice system and end up bearing the effects of the universality of the norm (GOMES, 2019).

For the children's judges, it does not matter in what circumstance the case of the imprisoned mother is, the length of her sentence or the interval for regime progression. The lack of listening to the detainee about her perceptions and alternatives restricts her chances of exercising motherhood, so that the fate of her

children, after the cohabitation period, if there are no family members willing to take custody, is reserved for institutional shelters and in many cases the removal of family power (BRAGA; ANGOTTI, 2015).

Often the actors in the criminal system do not take into consideration the family status of the prisoners in their decisions, while the actors in the juvenile justice system do not consider the criminal situation experienced by the mothers in the course of changing custody or removing the family power. There is a lack of integration between the various sectors that make up the justice system, public security secretariats, police stations, prison administration, public defender's office, public ministry and criminal and children's courts (BRAGA; ANGOTTI, 2015).

### **3 THE CUSTODIAL MOTHER: THE EXTENT OF CONTROL EXERCISED BY PRISONS**

The disciplinary power from the beginning of the nineteenth century performs through institutions of control: hospices, prisons, schools and hospitals the establishment of binarisms. This duality in which the subject is limited to be between what is considered good and bad, normal and abnormal, allied to a classificatory imposition of the differences in which one seeks to identify the subject in order to operate on him/her manipulation strategies, are the core of the functioning of these disciplinary departments (FOUCAULT, 1987).

The very historical trajectory of medical and scientific knowledge is established as a form of control of the social body and especially in relation to women, this control can be more easily observed when referring to obstetric issues (SENA, 2016). In the field of medicine, for example, there is a link between obstetric violence and the inferiorization of the woman's individuality, that is, a way to remove the protagonism of the woman in issues related to her body and reproductive health, making her an object able to suffer interventions, even if not consented to (AGUIAR, 2010).

Thus, gender violence is not always perceptible, on the contrary, sometimes it assumes softer formats, not being possible to detect that in that circumstance it is happening, due to the depth of its normalization in society (PAULA, 2018). In this sense, it is possible to compare it with the practices concerning the disciplinary power, since its manifestation does not happen in a splendid way but in a veiled, subtle, organized and perennial way. And it is precisely in these minimal actions that the power gradually finds support for a greater representativeness, changing structures and pushing its way of acting (FOUCAULT, 1987).

In this aspect, prison represents a fundamental element in the sum of punitive techniques, because through it, a milestone is established in the historical path of the penal system - the achievement of "humanity". An innovative normative set establishes punishment as an assignment belonging to society, whose operation falls on all individuals while characterizing them simultaneously and equally (FOUCAULT, 1987, p. 260).

The penitentiary institution encompasses in the same place expressions and practices, norms that repress and scientific knowledge, concrete social repercussions and unbeatable idealizations, actions to punish delinquency and procedures that corroborate delinquency. Prison from a broad perspective and corrections do not aim at eradicating transgressions, but, above all, at differentiating them, dividing them and using them not only to domesticate those who intend to break the norm, but to systematize the non-compliance with the law in a generalized submission technique (FOUCAULT, 1987).

Foucault (1987, p. 261) explains that prison is attributed of obviousness once it is first based on the "deprivation of freedom", being freedom a cherished element and of universal nature, which has the same value for all, being characterized as an egalitarian measure. Moreover, through it it is possible to measure the penalty according to the time and its variation, implying a recognition of prison as a kind of reparation.

This mentality also derives from the character of "economic obviousness" established by the process of industrialization of society that gave prison a "wage-form" (FOUCAULT, 1987, p. 261). By subtracting time lapses from the offender, prison conveys the idea that the crime has not only harmed the victim, but, the entire collectivity. These notions allow us to understand statements that consider prison as a means for the convict to pay his debt. This reveals the naturalness with which prison is seen and esteemed by society.

The obvious nature of prison is also related to its representation, idealized or imposed, of an institution capable of modifying people, confining, remodeling, training. Its receptivity by the social body is linked to the reproduction of the same tools of control that exist in society. These two axes juridical-economic and technical-disciplinary are what grant an instantaneous and simultaneously humanized appearance to prison in detriment of other punishments (FOUCAULT, 1987, p. 262).

The prison must be designed as a space for the construction of a clinical knowledge about the inmates (FOUCAULT, 1987, p. 277). A conglomerate of sanctions and retributions that show not only a way to make the prison rules be followed, but, above all, reveal how to achieve an effective domination over the convicted. Prison is the space in which punitive power is no longer carried out in an obscure manner but is discreetly schematized in an extension of objectivity in which correction is carried out in the open, but under the guise of therapy and the judicial decision is inserted as a discourse of knowledge (FOUCAULT, 1987, p. 284).

In maternity, this disciplining is common in prisons, being entitled by Raquel Santos (2011, p. 60) as "maternity watched-controlled" due to the limited and constantly supervised physical environment, with the prisoners being subject to several regulations that, if not observed, result in communications that may culminate in judgment by the disciplinary sectors of prisons. The control ranges from the feeding of babies to the delimitation of times for sunbathing (BRAGA; ANGOTTI, 2015).

During an interview with a mother, Lucinéia, imprisoned with her baby in the women's penitentiary "Dra. Marina Marigo Cardoso de Oliveira" Butantã - São Paulo, she told researchers Braga and Angotti (2015, p. 65) that "every day I wake up afraid that it will be the day they take my daughter away. When 5



pm comes I am relieved, I will have one more night with her". Another mother imprisoned in the same unit, Marina, states: "in this environment we are isolated - I'm depriving my baby of a lot of things - it's a good thing that there is this beautiful tree here at the window" and adds "we stay here without contact with anyone - like animals!

Regarding pregnant and postpartum women, it is verified that discrimination and the criminal brand existing in the view of prison guards constitute a barrier between the promotion of measures that recognize the importance of the bond between mother and baby (BASTOS; MARIN, 2020). It is known that a baby makes affection possible, but at the same time evidences a sense of insecurity in the face of its fragility and the demands typical of this phase. This notion not only shakes the reproductions that delimit women prisoners in a perspective allied to evil, but also clarifies the sometimes misrepresented actions of prison institutions (BASTOS; MARIN, 2020).

In this sense, a significant portion of prison staff considers the performance of their work aimed at pregnant and postpartum women in the prison system a real burden (BASTOS; MARIN, 2020). The complaints about not being assigned to male correctional facilities or units that do not have babies are mostly due to the problem in disassociating the label of criminal from the maternal role (BASTOS; MARIN, 2020).

Thus, the ubiquity of the mechanisms of discipline is constituted as one of the fundamental attributions of society. Supported by this mechanism, the presence of "normality judges" can be found everywhere (FOUCAULT, 1987, p. 330). Each professional enforces the abstraction of the law and, according to his or her area of activity, subjects people, their manners, actions, and dispositions. The prison system in its condensed or branched format and its network of deployment, division, patrol, and investigation becomes a significant foundation in contemporary society of "normalizing power" (FOUCAULT, 1987, p. 331).

The fact of having a baby and considering the specific needs and care that the newborn requires leads one to believe that the environmental conditions would favor imprisoned mothers. However, in most cases, the opposite occurs, given the inhospitable conditions of the wards for mothers or even if the spaces have adequate infrastructure, the excessive surveillance, disruption of activities and the ban on socializing with other inmates who are not mothers, imply not only a double penalty, but a harsher penalty than the first (BRAGA; ANGOTTI, 2015)

The architecture of the entities also has a significant contribution in the quality of control, an example of which is the Panopticon, idealized by the jurist Jeremy Bentham in 1785, a construction built in a circular form, containing cells, with a tower in the center that allows the guard to observe all prisoners (BENTHAM, 2008). The impact sought by the Panopticon is precisely to cause in the prisoner a certification that the manifestation of power occurs instantaneously, so that surveillance is always present even if it is not visible, so that the inmate can always be observed (FOUCAULT, 1987, p. 225).

If the layout and construction of the spaces intended for prisoners tend to communicate the power that is desired over the bodies, how much greater the effects that may arise in the development of postpartum women and children who are born and remain in the early period of their lives housed in inappropriate places? In many prisons, the places for the coexistence of mother and child, besides being unhealthy, are characterized by small space and isolation of the mother-child units (BRAGA; ANGOTTI, 2015).

According to data released by the Ministry of Justice, through the National Penitentiary Department (Depen), in the period from January to June 2021, 189 pregnant women, 86 lactating mothers and 1043 children were counted with their mothers in prisons throughout the country (DEPEN, 2021). Considering that this survey did not mention the total number of mothers with children up to 12 years old, it is worth mentioning the mapping carried out by the agency itself in 2020, through the Division of Attention to Women and Specific Groups, which counted 12,821 imprisoned mothers (BRASIL, 2020).

A recent survey conducted by the National Council of Justice called "Women prisoners and adolescents in detention who are pregnant and/or mothers of children up to 6 years of age" showed that in the period from 2015 to 2020 between 10% and 50% of female prisons did not report to the Depen the number of pregnant women, mothers who have recently given birth and children present in the units. As for the mixed prisons, the percentage of omission rises to 10% and 80% (NATIONAL JUSTICE COUNCIL, 2022). This finding not only reveals the failure of the Brazilian prison system to meet the demands of specific groups, but also makes it impossible to manage public policies for this population.

The same research pointed out, based on the data made available by the National Prison Monitoring Database in 2021 and the CadÚnico System in 2020, that maternity in prison is mostly occupied by provisional detainees, and that of the total number of pregnant women 73.9% serve time in this regime, mothers of children aged 0 to 6 years old make up 72.8% and mothers whose children are 6 to 12 years old correspond to 65.5% (NATIONAL JUSTICE COUNCIL, 2022).

In relation to the permanence of children with the prisoners in prisons 44% of units that held pregnant or lactating women do not allow the maintenance of coexistence after birth due to lack of infrastructure or for another reason. Only 57.9% of the penitentiaries allowed children to stay with their mothers for a maximum period of 6 months (NATIONAL JUSTICE COUNCIL, 2022).

Another alarming piece of data refers to the supply of basic hygiene materials for newborns, since 58.3% of the female and mixed prisons declared that they do not offer these items, so that the material assistance of the babies falls predominantly on the detainee's family members. However, the family accompaniment due to the mother and the baby during the breastfeeding period is not allowed in 75% of the female units and 90% of the mixed units. Thus, the hope of receiving some material aid to meet the needs of the babies is placed on the visits and when they receive them (NATIONAL JUSTICE COUNCIL, 2022).

Visits constitute an important debate in the process of maternity in prison, first due to the discrepancy in the realization of visits between male and female prisons, with an average of 7.8 visits per male prisoner versus 5.9 for female prisoners (INFOPEN, 2017). Factors such as the distance, duration and setting of visits during the week to the detriment of weekends, accumulation of functions arising from the responsibility for the care of children of female prisoners, in addition to the prejudice for having a woman in the offending family are some reasons that justify the lower number of visits compared to the male prison population (BRAGA; ANGOTTI, 2015) (MINAYO; RIBEIRO, 2016) (SIMÕES, 2014). Mention is also made of the fact that, sometimes, female prisoners themselves ask their family members not to visit them in order to avoid embarrassment due to vexatious searches (CHAVES, 2017).

#### **4 THE PUERPERIUM BEHIND BARS**

The puerperium is characterized by a time of hormonal and psychological oscillations in which the mother needs to deal with the unknown and still understand herself as a woman. Feelings such as low self-esteem, loneliness, insecurity, guilt, and difficulty in establishing a bond with the baby are common in this phase and, if not taken into consideration, may lead to postpartum depression. This period is also marked by the comparison between the real baby and the baby dreamed of during pregnancy, as well as by the conflict between the idealization of the maternal role and real motherhood. Among the main factors of emotional exhaustion, maternal exhaustion, sleep deprivation and the adaptation of the woman's routine to the demands and requirements of the baby are evidenced (RAPOPORT; PICCINI, 2011).

In this antagonism between the idealized and the concrete maternal representation, paradoxical sensations arise in puerperal women, such as complacency for the newborn in divergence to the irritation of seeing the baby as an ungrateful being before the effort dedicated to him. Along with this, the disappointment is mentioned when facing the demands that the baby demands in detriment of rare positive correspondences, making the mother need to readjust to the constant deprivation of sleep and rest (GARCIA, 2020).

This set of feelings are repeatedly the reasons that lead puerperal women to seek psychological counseling in order to question about some incompetence of their own to exercise the maternal function. In this context, the weight of the social and cultural construction embedded in the mother figure is also expressed. A frequent imposition that motherhood must be performed with perfection. The woman-mother is deprived of her wishes, desires and especially the right to feel and react, compelling her to prevent her life from going beyond the extension of her child (GARCIA, 2020).

The role attributed to the mother and the meaning of motherhood in the public sphere is increasing at the same time that mothering assumes new faces and configurations, deviating from the classic model. In this way, the standard stereotype of mother meets the imprisoned mother, the single mother, the lesbian mother, and many other models, all of which face a reality permeated with uncertainties and demands, both

external and internal, based on arguments from the eighteenth and mid-nineteenth centuries (GARCIA, 2020, p. 25).

At the same time that women's attributions increased with the coming of motherhood, the overvaluation of the maternal mission and the renunciations made in favor of the offspring and marriage are supported by medical and philosophical knowledge that emphasize these responsibilities as intrinsic charges to the female gender. Although the paternal function has remarkable expression in the development of children, it is known that social constructions about gender roles reduce child care as exclusive tasks and attributions of the mother. Even if the woman has a job, she still has the task of educating and training children and young people (SAFFIOTI, 1987).

Words that aim to romanticize the exercise of solo motherhood as "warrior mother" and "mother", and in the latter case the expression highlights the junction of maternal and paternal tasks, demonstrate not only the absence of the father in the child's life, but especially the existing burden on women related to the dedication that involves taking care of another being (BORGES, 2020, p. 299). The excessive maternal burden is considered normal by society, just as there is a normality present in the abandonment of the child by the father, or his disregard for the creation of infants, revealing gender inequality also in this aspect (BORGES, 2020).

Therefore, when there is a detachment from these socially and scientifically rooted representations, the feeling of guilt together with the sensation of "abnormality" reigned over the woman, since it was an attack on her own condition, and the justifications for a maternity exercise different from the traditional one could be motivated either by deviations or by pathologies (GARCIA, 2020, p. 24).

The experience of being a mother is significantly linked to nature, a condition that is expected of women, accentuating stigmas and prejudices. However, there are several ways of living it, which, in turn, are far from a preached romanticization scenario. Although this condition may be an achievement, a deep aspiration of the female being, a result of a sexual slip or a rejection, it is configured above all as an experience present at the heart of the historical process of women and reveals what the postmodern social context still deposits expectations about gender (GARCIA, 2020).

When the environment experienced by the puerperal woman is a prison, the mother initially finds herself alone to face this new reality. And it is at this moment that her rights and guarantees are significantly violated. Therefore, highlighting the care given to pregnant or postpartum women in prison makes it possible to bring to light small fragments of the complex conjuncture aimed at this population. In this environment marked by abuses, control and scarcity of resources, the theme addressed is too circumscribed: the intersubjectivity that takes place in prison institutions, especially in the emotional sphere of imprisoned mothers with their babies. (BASTOS; MARIN, 2020, p. 216).

Aspects such as the distance from the family, insecurity about the future in prison, especially for women who are serving a provisional sentence, survival in a space considered dangerous, the fear of getting

attached to the child and after having broken the bond, the remorse for being or having been a drug user and thus harming the baby's health, among other issues, are causes that negatively imply, in a way, the expectation of the coming of the child (BASTOS; MARIN, 2020, p. 216). The concern about not knowing the fate of their children and the fear of losing them are also reasons of significant repercussions in the psychological and emotional realm of female prisoners (BRAGA; ANGOTTI, 2015, p. 54).

The disciplinary rigor has even greater ramifications in the life of the imprisoned mother, because with the birth of the children, the prisoners are moved to specific wards, when they exist, being separated from the conviviality with the other prisoners. The interruption of any work, study or activity and consequently the possibility of remission of sentence, due to the exclusive dedication to the baby are examples in which mothers who have recently given birth are resigned to a double penalty: for the crime committed and for being a mother (BRAGA; ANGOTTI, 2015).

The reports about idleness, loneliness, conflict with other mothers and excessive surveillance by the prison administration make many women prefer, if they could choose, to return to prison or general space previously occupied, since they had more freedom than in the current maternal condition (BRAGA; ANGOTTI, 2015). Thus, it is essential to ensure environments that promote the consolidation of the bond between mother and baby so that the former has the opportunity to identify the demands of the child, and feel valued as a woman and mother (BASTOS; MARIN, 2020, p. 218).

It is extremely important that imprisoned women can dedicate themselves to activities that aim at their well-being and not only focus on aspects related to the care of the baby, since it is necessary to rescue their self-esteem in order for them to be able to deal with their maternal role. Bearing in mind that these women are separated from their families, partners, and sexual partners and that pregnancy entails a phase of bodily and psychological changes in order to receive a new being, it is understood that the absence of circumstances for the woman to take care of herself undermines the support due to the baby (BASTOS; MARIN, 2020, p. 223).

For Winnicott, one of the essential notions concerning his psychoanalytic theory refers to the achievement of the term *holding*, commonly translated as sustain, hold, alluding to the support, physical and emotional support that the baby needs to receive from its mother. This term is expressed in the routine of care and behavior concerning feeding, hygiene, breastfeeding, so that each act reveals the mother's affection towards her child and through these actions the baby feels welcomed, safe and prepared to develop its individuality (WINNICOTT, 1983).

The realization of this routine of dedication to the biological and affective demands of the baby are crucial to the formation of its psyche and connection with the external environment, since it permeates the child's psychological realm, instilling notions of valuation and reliability (WINNICOTT, 1983). However, for the mother to be able to provide a space for bonds she also needs to receive the support of *holding*, that is, that she is surrounded by assistance that enables the performance of motherhood, which includes the

presence of the father, relatives and medical and psychological assistance (BASTOS; MARIN, 2020, p. 228).

Based on this conception, a current theme in studies and reflections about motherhood refers to the social support network, a term that, given its polysemy, was adopted in this study as a set of people who integrate various social sectors establishing regular interactions, as well as an exchange of experiences and assistance in various aspects, such as psychological, structural and guidance (SLUSKI, 1997). Among the extent of this network, the help provided by family members is the most representative and is evidenced by the material and economic support and by the obtaining of health services and inputs, as well as the cognitive help provided by relatives who live more closely with the child.

In this sense, it is considered important the integration of family members, especially the child's parent, to deal with the joys and sufferings caused by the birth of a child. However, not only is the imprisoned mother deprived of a support network, but she is also deprived of the right to go through the puerperium in a dignified way, that is, with the assistance of her family members and psychological support, to be respected and not criticized by the state and society for being tired of dedicating herself exclusively to the care of the baby.

There is a significant interconnection between the instrumental support received by the mother and the child's well-being. Therefore, the mother who is provided with financial assistance, flexibility to meet the demands of the child and support for household chores and other activities ends up having a more positive experience in her mothering, thus benefiting the child's health (TUNEY, 2013).

In this sense, it is verified that the lack of a support network attentive to the demands of mother and child can foster episodes of stress, cause overload, affecting the multiplicity and quality of affective bonds, social interactions and the regular development of the infant (SILVEIRA; WERNET; PONTES, 2016). It is essential to consider the family stronghold as a precursor space and parents as agents responsible for the child's development, since family disruption affects the obtaining of resources and psycho-emotional health triggering negligence regarding the child's education and safety (OSBORNE; BERGER; MAGNUSO, 2012).

Adopting an attentive posture to imprisoned women-mothers and their babies implies the perception of the other side of the controversy: the consequences, the hidden marks of violence, the traumas that birth in a penitentiary can bring (BRAGA; ANGOTTI, 2015). That is why it is important that prison environments for this public, in addition to the necessary material structure, provide, above all, access to psychological monitoring of mothers throughout the puerperium (LANA, 2001).

It is important to emphasize that the goal is not to transform prison into maximum efficiency for women, perpetuating the obscure prison reality and the punitive practice, but to highlight a plausible option for dealing with maternity in the country's prison context. To ignore alternative paths for this drastic

conjuncture is to be indifferent to the effects that result from it, reducing it to a circuit of preservation of violence.

## 5 FINAL CONSIDERATIONS

Motherhood implies not only a new phase in a woman's life, but, above all, it consists in the rediscovery of her being, identity, and how her new function will affect the other areas of her life. If on the one hand the theme emanates an idealization and circumvents preconceived social expectations about mother and child, on the other hand it hides obscurities inherent to this new context.

To talk about the criminal mother is to describe an even darker path, since she and the child are under the auspices of the criminal system, whose punitive viewpoint does not take into consideration the gender specificities and the demands of a newborn child. Following the opposite direction of the offense against the human rights of the prison population, imprisoned mothers are the target of a double penalty: for the crime committed and for being a mother.

By means of a Foucauldian analysis, it was possible to correlate the sanction mechanisms arising from the disciplinary power with the situation in which mothers and children in custody or separated due to imprisonment find themselves. In this scenario, the criminal justice system goes beyond the sphere of punishment and reaches maternity, either by invalidating the mother due to the crime, through subjective practices, by curtailing her right to exercise the maternal role or by restricting and limiting the way in which this maternity will be carried out.

The excess of surveillance, the way in which the experience of their maternity is dictated, the control exerted on their bodies and their children allow us to infer that the challenges faced by mothers in prison during the puerperium and throughout the maternal trajectory have a significantly greater extent, since unlike free mothers, prisoners are in this state throughout their sentence, suffering simultaneously the physiological effects and the consequences of disciplinary rigor.

Therefore, the mere proposition of public policies aimed at better conditions for mothers and children in the prison environment is insufficient to discuss the scope and complexity of the issue. The discussion needs to be streamlined to alternatives beyond the bars, through practices that shift the focus from institutionalization as a response to criminal policy (BRAGA, 2015). Paying attention to the situation of incarcerated mothers is, above all, to start a long journey in the deconstruction of discriminatory, subjective and moral practices that plague the justice system and drastically mark the present and future of women and children in the country.

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