


The discursive practices that reveal the exercise of motherhood in the prison context: Reflections from the study "Giving birth in the Shadow"

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ABSTRACT

This text addresses a fragment of what is the motherhood of women prisoners and has as its starting point the study carried out by researchers Ana Gabriela Braga and Bruna Angotti. The research was carried out between 2013 and 2014 in Brazilian and Argentine prisons and, with the support of the Institute of Applied Economic Research (Ipea), the results gave rise to the report "Giving birth in the shadow: current conditions and future possibilities for the exercise of motherhood by women in prison", published in 2015 and the book "Giving birth in the shadow: exercise of motherhood in prison", published in 2019. Using the theoretical-methodological assumption of Critical Discourse Analysis, we conducted an analysis of the works cited, with the objective of fostering discussions about the reality of women deprived of liberty in the gestational and puerperium periods and drawing attention to the discrepancy between legislation and practice.

Keywords: Female Imprisonment, Critical Discourse Analysis, Motherhood, Prison System.

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INTRODUCTION

When we talk about prison, we have that the prison should serve as a space of transformation, a possibility of education and transition to a new life, but it is a complex system of overcrowded establishments, full of illegalities and that offers the inmates a dull and idle routine, whose only contribution is the maintenance of a cycle popularly known as the 'school of crime'.

Therefore, it is essential that there are debates and research on the prison system. Knowing not only the system and how it operates, but the individuals who are part of it is the main way to identify the root of a problem that has been present since the creation of the custodial sentence and the execution of this reprimand in prisons. The following citation shows that:

When analyzed from the perspective of the female gender, the flaws and incongruities found between what is recommended by law and the concrete reality experienced by thousands of women throughout Brazil are even more alarming and worrisome, however, insufficient to arouse an initiative by the public power aimed at the improvement and humanization of penitentiaries and, specifically, the prisons that house women forgotten by the law and the right to citizenship (SILVA, 2015, p. 155).

The reflexive analysis made in the present work is based on the study called 'Giving birth in the shadow', carried out by Braga and Angotti (2019), which demonstrates how cruel it can be to become a mother, as a woman and inmate of the Brazilian prison system. This reality, complemented with data from IPEA (2015) and perceived from the perspective of Critical Discourse Analysis (CDA), highlights important issues present in the prison scenario, which is a place "[...] of socially excluded individuals, a space for the perpetuation of vulnerabilities and selectivities in extramural practice". Thus, when we focus our attention about women's units, it is possible to find "[...] greater violations with regard to the exercise of rights in general, and in particular sexual and reproductive rights, as well as access to specialized health, especially to gynecologists" (BRAGA; ANGOTTI, 2016, p. 14).

In view of the vast content presented by the two works used as the main source of the research, we chose to delimit the *corpus* of the study in the comics present in the publication of the IPEA study (2015), which illustrate, through images and texts, the context and reality of these women and their children. To this end, we carried out a qualitative analytical work with the application of CDA, seeking to deconstruct the narratives and data presented, in order to reveal situations and possible solutions to these practices.

CRITICAL DISCOURSE ANALYSIS

The main theory that makes up this study is the Social Discourse Theory, which is an approach to Critical Discourse Analysis, proposed by Norman Fairclough (2016), which is a theoretical-methodological approach to language studies, within the scope of the social sciences and



"[...] it is based on a perception of language as an irreducible part of social life dialectically interconnected with other social elements" (RESENDE; RAMALHO, 2021, p. 11). Created in the 1970s, it is considered a form of discourse analysis that makes it possible to perceive the importance of language as a social practice and how it reveals power relations in society and, according to Resende and Ramalho (2021, p. 11-12) it is a basis that allows "[...] the treatment of various practices of social life, capable of mapping relations between the linguistic resources used by social actors and groups of social actors and aspects of the network of practices in which the discursive interaction is inserted".

By being applied to deconstruct statements, CDA makes it possible to perceive interactions in social relations, with the objective of promoting changes in the structures of society. The relationship between the discourse and the whole is based on the perception that everything and everyone communicates, and the identification of what each one does of the other's logics improves the knowledge of both parties. Language is a basic and fundamental element of social life, it is a social practice responsible for structuring relationships between individuals and social groups. Therefore, ADC recognizes that, when we study language, we consider the intrinsic characteristics of the discourse (ideology, subject, criticism and conceptions of social reality, discursive practices, etc.), that is, through what is being said, we understand the entire context in which the interlocutor is inserted.

Discourse is, for Fairclough (2016, p. 97), a mode of action, that is, a reflection of reality, while it is a source of the social. Thus, the discursive constitution of a society or a social group "[...] It does not emanate from a free play of ideas in people's heads, but from a social practice that is firmly rooted in material, concrete social structures, and oriented towards them." In this sense, society influences discourse and the way it occurs. It is in discourse that social identities are constructed and hegemonic and ideological relations occur, thus, CDA offers us new ways of understanding reality, and the use of this methodology causes the resignification of concepts hitherto considered crystallized and solid.

Critical analysis enables us to understand the discourse and how it is presented in social practices, in addition to effectively contributing to the basis for the critical questioning of social life and the power relations present in the various social spheres (FAIRCLOUGH, 2016). Hence, issues such as the reproduction of sexism and racism, the legitimation of power, the role of politics, etc.; the way in which these materials express the relations of domination; and as discursive practices reveal ideological formations, they are the object of attention of critical discourse analysts (MELO, 2011). Vieira and Resende (2016, p. 15) point out that "[...] language is shown to be a resource capable of being used both to establish and sustain relations of domination and, on the contrary, to contest and overcome such problems", in this sense, ADC reveals itself as:



[...] A theoretical-methodological approach that aims to investigate the way in which linguistic forms function in reproduction, maintenance and social transformation. It currently represents one of the most revealing paths within the science of language and the most modern in the performance and interface of Linguistics with other areas of knowledge, as it is a transdisciplinary approach (MELO, 2011, p.1338).

The adoption of CDA as a methodological assumption shapes researchers to think about their scientific research from the perspective of social transformation, as it enables new solutions to old and new discussions of problematizations. In this regard, Vieira and Resende (2016, p. 15) point out that the studies, from the perspective of CDA, are presented in the idea of language perception as "[...] An irreducible part of social life presupposes an internal and dialectical relationship between language and society, since social questions are also discursive questions and vice versa." In a similar vein, Martins (2010, p. 35) states that the discourse:

[...] it figures both as a mode of action and as a mode of representation; there is a dialectical relationship between discourse and social structure, between social practice and social structure – the latter is the condition and effect of the former; Discourse also contributes to the construction of the so-called 'social identities' and 'subject positions', the social relations between people and the systems of knowledge and belief.

It is possible to reframe and update discussions, as well as to discover new alternatives to questions already worked on, because discourses, as well as society, are changeable and are in constant adaptation and development. In this way, the same theme, analyzed in different periods, with the same social agents, can present different perspectives and realities, because the human being is in constant transformation, and his discourse manifests his thinking, which is modified according to his reality, ideology, customs, beliefs, etc. We can, therefore, analyze and know, through discourses, a range of meanings that involve not only the individuality of the speaker, but also his entire social context and the power relations that permeate him.

Fairclough (2016, p.95) explains that discourse acts as a constituent element of the social structure that operates directly or indirectly and has the capacity to shape and restrict "[...] their own norms and conventions, as well as the underlying relationships, identities and institutions. Discourse is a practice, not only of representation of the world, but of signification of the world, constituting and constructing the world in meaning." In view of this, the theoretical character of the ADC is based on the premise of the function of "[...] develop a description, explanation and interpretation of the ways in which dominant discourses influence socially shared knowledge, knowledge, attitudes and ideologies" (MELO, 2011, p. 1339).

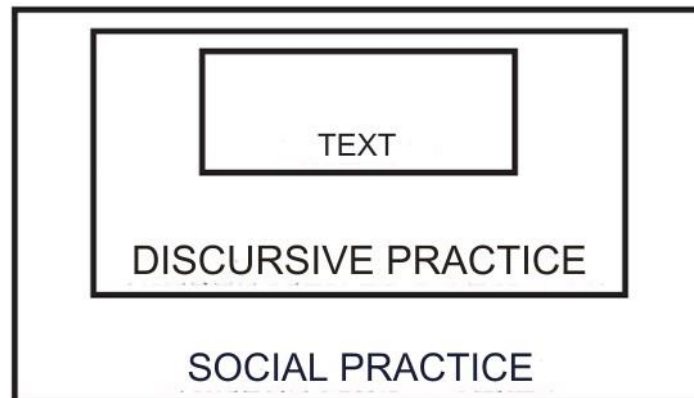
Regarding the role of discourse in the process of social change, based on emancipatory objectives and modes of organization of society, ADC has the capacity to provide a methodological basis for the researcher to carry out qualitative research with a *corpus* composed of texts, documents,

interviews, reports, videos, among countless other types of text that can be used as research material. Thus, according to Vieira and Resende (2016, p. 77), ADC:

[...] It deals with ideological effects that meanings of texts, such as instances of discourse, can have on social relations, actions, interactions, people, and the material world. Their concerns are directed to meanings that can act in the service of projects of domination and exploitation, either contributing to modify or sustain, asymmetrically, identities, knowledge, beliefs, attitudes, values, or even to start wars, alter industrial relations. [...]. This focus of attention inserts the CDA in a critical interpretative paradigm, through which it intends to offer scientific support for studies on the role of discourse in the establishment/maintenance/overcoming of social problems.

Furthermore, Vieira and Resende (2016, p.14) state that, in the face of a "[...] set of interdisciplinary scientific approaches for critical studies of language as a social practice", ADC is a theoretical-methodological approach that allows the transition of the researcher through the various areas of knowledge. This is due to the understanding that society is complex, as it involves action, interaction, social relations, ideologies, material conceptions and, embracing all these conceptions, we find discourse. To perform the discourse analysis, Fairclough (2016) presents us with the three-dimensional theory of discourse, composed of three dimensions (text, discursive practice and social practice) present in discourse, as illustrated by the author, in the figure below, and which was proposed with the aim of simplifying how the complex process that is the dialectical relationship between discourse and society occurs:

Figure 1: Three-dimensional conception of discourse



Source: FAIRCLOUGH (2016, p. 105).

From figure 1, Fairclough's (2016) understanding of three-dimensional discourse theory is clear, in which the text is inserted in discursive practice and composes a dimension of discourse, as well as social practice. The text is perceived as a "[...] linguistic manifestation of discursive practice, which, in turn, is a form of social practice", that is, it is an analysis of the formal properties of the text and the meanings that these properties have (OLIVEIRA; CARVALHO, 2013, p. 292). To carry out



the analysis of the textual dimension, vocabulary, grammar, cohesion, and textual structure must be considered⁵, all of which are interrelated as follows:

(1) words, elements of vocabulary, combine to form sentences and sentences, elements of grammar; (2) grammatical elements maintain links between them, establishing textual cohesion; (3) these two groups of elements contribute to organize and structure the text (OLIVEIRA; CARVALHO, 2013, p. 293).

Discursive practice, on the other hand, has the role of mediating between the text and social practice and is analyzed from the perspectives of strength, coherence, and intertextuality⁶, being represented by socio-cognitive processes that involve the production, distribution and consumption of the text, which are "[...] social processes related to particular economic, political and institutional environments" (RESENDE; RAMALHO, 2021, p. 28). Thus, we can understand discursive practices as a variable dimension of discourse, as they vary according to the different types of social facts involved in discourse. Fairclough (2016, p. 96) explains and exemplifies as follows:

Discursive practice is constitutive in both conventional and creative ways: it contributes to reproducing society (social identities, social relations, knowledge and belief system) as it is, but it also contributes to transforming it. For example, the identities of teachers and students and the relationships between them, which are at the heart of an education system, depend on the consistency and durability of speech patterns inside and outside these relationships for their production. However, they are open to transformations that may originate partly in discourse: in the speech of the classroom, in the playground, in the teachers' room, in the educational debate, and so on.

Encompassing the two dimensions (text + discursive practice) is social practice, which is understood as the dimension in which language manifests itself. According to Vieira and Resende (2016, p. 17-18), people make use of material resources to act and interact with other people who have their own beliefs, ways of thinking and seeing the world, establishing social relationships through language. In this way, social practices are characterized as "[...] an irreducible part of the ways we act and interact, represent and identify ourselves, others, and aspects of the world through language."

In view of this, we understand that the analysis of social practice takes place through interpretation, through discursive practices and the text, from two perspectives: the broad (institutional aspects in which the text is produced and consumed) and the strict (aspects of the

⁵The study of vocabulary deals with individual words – neologisms, lexicalizations, relexicalizations of domains of experience, overexpression, relations between words and meanings – and grammar, of words combined into sentences. Cohesion deals with the connections between sentences, through reference mechanisms, words from the same semantic field, close synonyms and conjunctions. Textual structure refers to the organizational properties of the text on a large scale, the ways and order in which elements are combined (RESENDE; RAMALHO, 2004, p. 187).

⁶"The strength of utterances refers to the types of speech acts performed; coherence, the necessary connections and inferences and their support in ideological presuppositions; intertextual analysis refers to the dialogical relations between the text and other texts (intertextuality) and to the relations between discourse orders (interdiscursiveness)" (RESENDE; RAMALHO, 2004, p. 187).

immediate context, identifying who are the subjects involved in the production and reception of the text and when and where it is consumed). It is important to highlight that both perspectives are guided by issues of ideology and hegemony present in social practice (OLIVEIRA; CARVALHO, 2013). To better illustrate what we have discussed about the analytical dimensions (text, discursive practice and social practice) of three-dimensional discourse theory, we present the figure below:

Figure 2: Analytical categories proposed by the three-dimensional model

TEXT	DISCURSIVE PRACTICE	SOCIAL PRACTICE
vocabulary grammar cohesion text structure al	production distribution consumption context strength coherence intertextuality	ideology senses presuppositions metaphors hegemony economic, political, cultural, ideological orientations

Source: RESENDE; RAMALHO, 2004, p.188.

As we have seen, CDA comprises the study of language in the form of movement, of language in use, that is, of what is produced and reproduced in various social activities. According to Fairclough (2016, p. 97), the use of language occurs in a systematic and social way, since "[...] The discursive constitution of society does not emanate from a free play of ideas in people's heads, but from a social practice that is strongly rooted in material, concrete social structures, orienting itself towards them."

For Fairclough (2016), discourse analysis should enable the understanding of how language contributes to the process of social change, which is shaped by the struggle between social segments. Thus, through the understanding of subjects and social relations, knowledge systems, beliefs, etc., it is possible to identify the power relations present in the discourse, in addition to verifying how they relate to the social struggles that shape and transform social and discursive practices. Thus, it is through ADC that we observe and understand how the maintenance, transformation and reproduction of a society's ideologies and practices works.

REFLECTIONS FROM THE STUDY "GIVING BIRTH IN THE SHADOW"

Brazil, according to SISDEPEN⁷, was composed of a prison population equivalent to 648,692 in 2022, and of this total, the female population was equivalent to 27,547 women prisoners in female and/or mixed establishments (BRASIL, 2022). An important point to highlight is the profile of the prison population, which when we observe, we easily perceive that people in situations of poverty

⁷ Developed to comply with Law No. 12,714/2012, which provides for the need for a system that monitors the execution of sentences, precautionary detention, and the security measures applied, SISDEPEN is a tool used to collect data on the Brazilian penitentiary system and the prison population (BRASIL, 2022).



and exclusion are considered by the system as potential delinquents, this perspective is confirmed when we talk about the female population deprived of liberty composed of:

[...] young women, aged between 18 and 30 years, black or brown, low-income, generally mothers, pre-trial detainees suspected of crimes related to drug trafficking or property trafficking; and, to a lesser extent, convicted of crimes of this nature. Most of them have very similar histories of social vulnerability, and are mostly responsible for the care of their sons and daughters and for providing for their families. They come from economically disadvantaged social strata, have low education, little access to universal public policies and the formal labor market (BRASIL, 2021, p. 13).

Since the objective of the present study is to address maternity within penal establishments, we need to bear in mind that, in 2022, there were a total of 81 lactating women and 190 pregnant women/parturients, as well as 120 children (1 – 1 to 2 years, 25 – 6 months to 1 year, 94 – 0 to 6 months) deprived of liberty (BRAZIL, 2022).⁸ Currently, Brazil is composed of 1,420 prison units, among which only 103 are exclusively female, 239 are mixed and 1,070 are male, in total the system has 477,056 vacancies (BRASIL, 2019). The indications presented are important, because it is from them that we can identify the first affront to the dignity of the human person in prison; These figures concern 27,547 women deprived of liberty in a system made up of only 103 women-only establishments.

Among these women, there are mothers who are forced to live their gestational and postpartum periods in prison units that do not have the basic requirements of health and maintenance of health, because the spaces that are considered specific for the exercise of motherhood are:

[...] located only in a few Brazilian capitals, not reaching the prison population in general. Even so, even the establishments considered models have structural and conjunctural flaws that allow us to affirm that the exercise of motherhood of women prisoners in the various Brazilian contexts is precarious. The violation of rights is the main element present in the statements – there is a lack of access to justice, non-compliance with legal provisions, negligence in relation to the specificities of women, violations regarding the coexistence between imprisoned mothers and their children (IPEA, 2015, p. 77).

Having made these considerations, we move on to the analysis of the comics present in the work "Giving birth in the shadow: current conditions and future possibilities for the exercise of motherhood by women in prison situations" and aims to problematize "[...] the main bottlenecks that make it impossible to materialize rights formally guaranteed to women in deprivation of liberty and presents concrete proposals for the exercise of these rights" (IPEA, 2015, p. 15).

To carry out the study, for a period of 9 months, the responsible researchers visited prisons, maternal and child units, daycare centers focused on the care of children whose mothers are in prison. During this period, they conducted approximately 50 interviews and spoke informally with more than

⁸ At the time of writing this work, SISDEPEN has not released updated data for the year 2023, therefore, we have adopted the information referring to the period from July to December 2022 as a parameter.

80 inmates. We highlight that the study in question visited establishments in Brazil and Argentina, as well as "[...] brings together the voices of different characters that make up the multifaceted universe of female imprisonment, including prisoners, law enforcement, prison managers, scholars of the subject and civil society activists" (IPEA, 2015, p. 15).

In the following illustration (image 1), we follow the dialogue between a pregnant woman deprived of liberty and what we can identify as the administrator of the public prison, let's see:



Source: Ipea (2015, p. 69).

The image indicates that the dialogue is taking place in a public prison, that is, the pregnant woman is deprived of liberty in an inappropriate establishment for her condition, since public prisons are, for the most part, of a mixed character. Through expressions such as "my chess is very full" and "we have to take turns on the floor", it is possible to identify that she is in an establishment that is overcrowded, where the cells have a greater number of inmates than the structure can accommodate and that does not offer minimum accommodation conditions, because the pregnant woman takes turns with other women a space on the floor. When we talk about minimum conditions, we refer to beds and mattresses. In their absence, women are forced to sleep on sheets of cardboard or, when possible, on folded sheets and/or cloths. These conditions are degrading in any situation, however, when we talk about pregnant women, the severity is enhanced.

When reporting that she has "high blood pressure, without a doctor", the woman reveals another situation, that the establishment does not offer the inmates possibilities to maintain their health, as it does not provide care and access to medical consultations. Regarding health maintenance, according to the CNJ, there is an average of 1,377 women for each health professional (gynecologist) and, when it comes to the infrastructure of prison units that receive women, only 14.0% have a space reserved for pregnant and breastfeeding women, 3.2% have a nursery and/or maternal-infant referral center and 0.66% of the units have daycare centers (BRASIL, 2021, p. 14-15).

On the other hand, we have the administrator of the public jail who, in his expression "jail is just like that" shows no concern and relativizes the situation. In the sequence, he pays attention to the

arrival of the birth and expresses doubts in relation to the conduct to be taken and, as for what to do with the child, he points out that he sees only the options of sending him to a shelter, handing him over to the family, or transferring him to the mother-child unit. At this point, we identified that the possibilities raised involve family separation and the loss of affective bonds, because when the child is sent to the shelter, the mother loses any and all contact, so that she does not receive any news of her child. If the child is referred to the family, he or she will not always be taken for visitation and, until the moment of his or her release, he or she will not have enough contact to maintain an affective bond between mother and child. Finally, referral to a maternal-infant unit results in the impossibility of maintaining family visits since the child will be transferred to an establishment far from the place where their family members live.

In the sequence (image 2), we have the case of a pregnant woman (who is serving a sentence in a women's penitentiary) talking to the director of the prison, let's see:

Image 2:



Source: Ipea (2015, p. 69)

At first, we noticed that the pregnant woman is not aware of her rights, because she was not informed of the expected period for the child to be in the mother's company after delivery. Her questioning raises the lack of access to information, whether regarding her rights or the procedural progress, which generates a concern about her present and future, unfortunately this is the reality that plagues a large part of women in deprivation of liberty:

The violation of rights is the main element present in the statements – there is a lack of access to justice, non-compliance with legal provisions, negligence in relation to the specificities of women, violations regarding the coexistence between imprisoned mothers and their children. In relation specifically to access to justice, we could perceive the double impact of its precariousness, the first of a material nature, identified in the lack of access to information, little participation in criminal and civil proceedings, and precarious exercise of self-defense and technical defense; the second is subjective, with increased anxiety generated by the feeling of abandonment, powerlessness and anguish in the face of the justice system and their own destiny. Therefore, more than guaranteeing technical defense, it is necessary that there be direct contact between the prisoner and her defender and the development of mechanisms



for speaking and listening to these women in the flow of the justice system, as well as in the prison and social space (IPEA, 2015, p. 77).

When we direct our attention to the director of the women's prison unit, her speech does not show compassion and is direct in informing that the period of a maximum of six months is over and that at the end of this period the child will be sent to a shelter or to a relative. It is important to note, at this point, that the legislation is clear in determining the period of 6 months as the minimum and not the maximum time⁹. In order to complement the provisions of the Law on Penal Executions (LEP), the National Council for Criminal and Penitentiary Policy (CNPCCP) regulates the guidelines that deal with the maternity of women in situations of imprisonment and is clear in determining that:

Article 2 The permanence of children for at least one year and six months must be guaranteed for the daughters of incarcerated women with their mothers, since the presence of the mother during this period is considered fundamental for the development of the child, especially with regard to the construction of a feeling of confidence, optimism and courage. aspects that may be compromised if there is no relationship that sustains this first phase of human development; this period is also intended for the mother's bonding with her daughter and for the psychological elaboration of the separation and future reunion (BRASIL, 2009, p. 1).

Once again, the lack of information is evidenced, which does not only affect the inmates, but also those responsible for the various prison units throughout Brazil. The lack of information is responsible for the premature removal of mothers deprived of liberty and their children, because while the legal determinations provide that the permanence of the children takes place in a minimum of 1 year and 6 months, in the case of the CNPCCP regulation, and of at least 6 months, in the case of the LEP, the reality, In most establishments, the separation takes place within a maximum period of 6 months. Still, we realize that there is no room for the humanization and individualization of the penalty, two basic assumptions of penal execution, because issues such as the length of sentence, whether or not the prisoner has reliable family members who can take custody of the child, nor is it observed whether or not it is the first child and what type of support these women receive outside the walls.

In image 3, the illustrated reality takes place in a maternal-infant unit, where two mothers in the postpartum period talk about what awaits them. One of them is the pregnant woman in image 2, who was transferred from the women's penitentiary to the maternal-infant unit, let's see:

⁹ Article 83, paragraph 2 of the Law on Penal Executions (BRASIL, 1984).

Image 3:



Source: Ipea (2015, p. 70)

When we follow the sequence of comics, we realize that images 2 and 3 are a continuation, because the pregnant woman, who was previously in the women's penitentiary, is now puerperal and has been transferred to a maternal-infant unit. By being in an environment theoretically more appropriate to their condition, their concern is directed to the moment of separation. In her case, we realize that there is an extramural family bond, in which her mother will be responsible for the custody of the child during her imprisonment. However, despite knowing that your child will be safe and well cared for, you don't know how often you will be able to see them.

Their concerns are the same as those of several mothers who are in prison, issues such as: the frequency of visitation impaired due to the distance between the prison unit and the family's home, financial means capable of paying for travel and search for entry into the penal establishment. Visits are the main way of maintaining the family bond, which is considered a "primary group", because the family is the first bond of the human being, it is an environment in which individual values are constructed, as well as where the subject develops as a social being. Therefore, the family plays an important and indispensable role of physical, social and emotional support (PRAZERES; SOUZA, 2017).

Unfortunately, as Braga and Angotti (2016) point out, the location of penal establishments, combined with the economic conditions of the families, which are mostly low-income, and the lack of public interest in providing means of transportation that facilitate locomotion, results in low visitation and family separation for these women. If the lack of contact with your loved ones is already a reason to accentuate the feeling of loneliness and isolation, the psychological damage caused by the absence of contact with children and the uncertainty of when you will see them again are even more damaging.

On the other hand, when it comes to the concern with the magazine, we highlight that it is called a vexatious magazine and "[...] It is the procedure that visitors to prisoners go through in which they are forced to strip naked, perform squats and have their genitalia inspected." The maintenance of



this practice, in most Brazilian states, occurs under the argument of guaranteeing security and blocking the entry of objects considered illegal, inside the penitentiaries, however, this conduct is not supported in practice¹⁰ and:

[...] Still, those women who cry, try to cover their bodies with their hands, or demand respect for their rights are treated as undisciplined and not as people reacting instinctively to an act of violence. Many end up being punished with the loss of the visit for at least 30 days, on the grounds that they delayed the development of the work of the prison staff. There are many other ways to control the entry of weapons, drugs and cell phones into prisons, all of them that are much more efficient and less violative of rights (REDE JUSTIÇA CRIMINAL, 2014, p. 4).

When we direct our attention to the anguish of the other mother present in image 3, we realize that her thoughts are in the uncertainty of her baby's fate, because, in her case, there is no family that can indicate to take care of the child during her sentence. From the information that reaches her, she concludes that her baby's destination will be a shelter, and this further increases her afflictions. Concerns, such as: "Will they take care of it the way I do? Are you going to give affection? Bring to see me?", begin to occupy their thoughts, in addition, there is the possibility of permanently losing their child who may be referred for adoption.

The reality is that, in the absence of a support network, that is, when the woman does not have a family member or friend who can indicate that she can stay with her child until the moment of regaining her freedom, the child is sent to a shelter or substitute family. It turns out that there is a great possibility that until she is released she will no longer have contact and/or news of her child. In this sense, Varella (2017, p. 45) argues that:

Those who arrive pregnant or become pregnant during intimate visits get out of jail only to give birth. They return from the maternity ward with the baby, who will be breastfed and cared for for six months in the cells of a special ward. Once this deadline has passed, the child is taken by a family member who takes responsibility or by a social worker who will leave the child in the custody of the Guardianship Council. Removing the baby from the mother's lap with milk still in the breasts is an especially painful experience.

Separation is extremely distressing for two reasons. The first is because she is abruptly separating from her child and living through a period of extremes that ranges from hypermaternity¹¹

¹⁰ The argument used by establishments that still adopt this practice is not justified in a practical way. When conducting a study in the state of São Paulo, the Criminal Justice Network (2014, p.3) found that "the number of seizures made inside prisons is almost four times greater than the number of seizures made with visitors and, proportionally, the number of visitors caught in this situation is negligible. Considering all the visits made during the period studied, it was found that only 0.03% of the visitors brought with them objects such as drugs and cell phones. No visitors were caught trying to smuggle weapons into the prisons. And it is worth mentioning that the percentage of seizures carried out in private parts is even lower, which indicates the absolute disproportionality of the measure."

¹¹Hyper-motherhood occurs "[...] when women become completely absorbed by the maternal universe. The routine is totally transformed. Contact with the baby softens the feeling of loneliness and becomes the main motivation of the inmate's life", that is, it is a moment when puerperal women in deprivation of liberty dedicate themselves exclusively and intensely to the care of the baby, without occupying themselves with other activities (ZACARRO, 2017. s.p).

to hypomaternity¹². And, in a second moment, due to the uncertainty of how her relationship with her child will develop, especially in cases where there is no indication of custody for the child, in this case, the anguish is based on the doubt if one day she will see and have contact with her child again. Regarding the breaking of bonds, Batista and Loureiro (2017, p. 68) draw attention to:

[...] the damage caused by the distance between the prison and the babies' homes. Being imprisoned implies the impossibility of seeing your child on a daily basis, not being recognized by him as your mother, impotence in the face of the desire to guarantee the baby the trust and protection necessary for his life. Hopefully, the return of this full bond, as idealized by these mothers, can take place when they are free and allow themselves to (re)know their children. However, this meeting will certainly introduce them to children who will no longer be the little babies they nursed (BATISTA; LOUREIRO, 2017, p. 68).

In the last illustration (image 4), we have one of the mothers in image 3 who was previously in the mother-child unit and has now returned to the women's penitentiary and reflects on the concerns of being away from her baby, let's see:



Source: Ipea (2015, p. 71)

The last comic introduces us again to one of the mothers who were in the maternal-infant unit (Image 3) and who has now returned to the women's penitentiary. We followed the unraveling of her doubts as to what would happen to her son, due to not having a support network that could give custody, so the child was sent to the shelter. Back in the penitentiary and alone, she is faced with new doubts, now, her concerns revolve around issues such as: the fate of her baby in the shelter, who is responsible for her process, the absence of dialogue between the criminal execution court and the

¹²When there is an abrupt rupture of this bond, it happens what we call hypomaternity, which is an immediate rupture with "[...] strong psychological impacts, there are physical symptoms of this separation. The milk that only dries up with the help of medicines and the so-called 'emotional fever', which happens when the mother gets sick when she hears the crying of other children, are some examples", thus, we understand by hypomaternity the emotional shock resulting from the sudden separation and a change of routine that goes from exclusive dedication to the child to an empty lap and, often, without expectations of reunion (ZACARRO, 2017. s.p).



people deprived of liberty, as well as wondering what her life would be like, If she could afford the costs of a private lawyer, which leads her to conclude that "justice is so slow for those who are poor."

Here, we are faced with the problem of access to justice. Legal aid services are a fundamental right and, when we talk about the prison context, it takes on even greater relevance. Braga and Angotti (2016, p. 273) report that in their visits to women's prisons, the "[...] detainees stated that they did not have a lawyer or lawyer, or that they did not know her – calling into question the constitutional guarantee of a full defense", given the absence of public, private or dative defenders who can guarantee these women their rights. In many penal establishments, the other employees of the system (social worker, legal technician, police officer, and director) are in charge of carrying out the defense work (petitioning, delivering letters from prisoners, and even requesting requests for house arrest) before the criminal enforcement court. Regarding this problem, Braga and Angotti (2016, p. 277) explain that:

The culture of incarceration permeates the practices and discourses of several characters in the justice system, who are responsible for maintaining prison as the main social and public security policy in Brazil. In most cases, the prisoner does not have the possibility to defend herself before the control institutions: few have contact, before the hearing, with the defender, and, generally, there are no spaces to speak – to tell their version of the facts, contextualize their history, beyond the crime eventually committed. The high number of pretrial detentions and convictions is based on evidence based solely and exclusively on the testimonies of agents who arrested them. This is often the case in cases involving drug trafficking, in which the only testimony is from police officers who made the stop, given the absence of concrete victims in this crime.

When we reflect on access to justice, it is important to keep in mind that it impacts from two perspectives: the first is manifested by the lack of participation and knowledge about its process, in the precariousness of the exercise of self-defense¹³, technical defense¹⁴ and lack of access to information; the second perspective manifests itself in a subjective way, resulting in psychic discomfort (anxiety, anguish, sense of abandonment, powerlessness), in the face of a reality in which not only their freedom is taken away, but also their health, their family life, their perspective on life, etc. The feeling of abandonment, expressed in image 4, corroborated with dissatisfaction with a system in which "justice is so slow for those who are poor", highlights the lack of legal assistance in the prison population (BRAGA; ANGOTTI, 2016).

The main obstacle to the guarantee of a technical defense is the lack of frequent contact between the prisoners and their defenders, because without the process of speaking and listening,

¹³It is the defense exercised by the accused himself, regardless of whether he has a technical defense or not. Self-defense includes the right to remain silent and not to incriminate oneself or produce evidence against oneself; the right to be present at the hearing and to present the facts from their perspective directly to the magistrate; the capacity for autonomous postulation, regardless of their lawyer - habeas corpus, criminal review and appeals (BRASIL, 1988).

¹⁴The technical defense is non-waivable and consists of the defense carried out by a qualified professional with postulatory capacity (dative/appointed or hired lawyer and public defender). It is important to highlight that, in criminal proceedings, the absence of a technical defense constitutes absolute nullity of all acts (BRASIL, 1988).



people who are deprived of liberty are left in a kind of darkness regarding their procedural situation and rights. When we reflect on the lack of access to justice and information, we need to consider that it is a result of the accumulation of demands throughout the justice system, in this sense, Braga and Angotti (2016, p. 278-279) point out that:

The imprisonment of thousands of women has not solved the issue of public safety and has violently impacted not only their lives, but also and indirectly that of their daughters and sons. If the control institutions arrested fewer, violated fewer rights, guaranteed reasonableness in the deadlines, there would be fewer individual demands, and the Ombudsman's Office could act beyond individual legal aid, from a macro perspective of access to justice. Particularly in relation to women, their imprisonment can be understood from the structural conditions that place them in a position of vulnerability before the justice system, and, when imprisoned, the vulnerability of their family nucleus is aggravated. For this reason, legal assistance to imprisoned women must go beyond the criminal sphere, since prison affects several spheres of their lives.

It is important to highlight that several women who are currently deprived of liberty could be in their homes with their children, because in 2018 the law was enacted that aims to "[...] establish the replacement of preventive detention by house arrest for pregnant women or those who are mothers or guardians of children or people with disabilities." In the case of pretrial detention, the requirements for substitution for house arrest are: being a pregnant woman or a mother/guardian of a child or person with a disability; not have committed a crime with violence or serious threat; and not having committed a crime against their child or dependent (BRASIL, 2018).

In cases of conviction, when the woman is pregnant or a mother/guardian of children or people with disabilities, the requirements for regime progression are also modified; Cumulatively, the following factors are considered: not having committed a crime with violence or serious threat; not have committed a crime against their child or dependent; have already served at least 1/8 (one-eighth) of the sentence; be primary school and present good prison behavior - proven by the director of the establishment; and not having been part of a criminal organization (BRASIL, 2018).

The Brazilian justice system is a "flawed and punitive structure" that is tainted by negligence and disregard for human rights. When we talk about the women who are inserted in this system, the reality is even greater, with regard to reproductive and maternal rights such as "[...] loss of their daughters and sons and impossibility of maintaining family ties", in some establishments, when the exercise of maternity is guaranteed, "[...] isolate the imprisoned woman and do not give her autonomy to decide if and how they want to take care of her children" (IPEA, 2015, p. 69).

It is therefore essential to promote debates on incarcerated mothers; about the policies of staying with their babies; decarceration, which is the application of various measures to prison; encouraging family life and a comfortable and healthy environment for prisoners and their families; support for the guarantee of rights for women and their children; as well as access to affirmative action policies for when they regain their freedom. These debates will be fruitful, if we seek to



stimulate the humanitarian vision of society and the State, so that an ideological change occurs and, consequently, there is an abandonment of the punitive bias.

When we talk about ideological change, Fairclough (2016, p. 126) explains that ideologies "[...] arise in societies characterized by relations of domination on the basis of class, social gender, cultural group, and so on, and to the extent that human beings are able to transcend such societies, they are able to transcend ideology." Thus, we seek a rupture in the naturalization of power relations, so that women in deprivation of liberty are seen only as pregnant women, puerperal women and, above all, mothers who are living with their babies for a limited time and who, subsequently, are abruptly and often permanently removed from their children and not as people unworthy and deserving of such suffering. only because they have violated the social contract.

FINAL THOUGHTS

When we talk about fostering discussions about the penitentiary system and the people who are part of it, we seek to disseminate a humanized look at that population. We find ourselves in a critical moment, in which the social gaze remains at extremes. What was once just a blindfold that simply made society not direct its gaze to the excluded in its midst, is now accentuated by the perception that suffering is an effective form of punishment, looking at prisons and not considering the illegalities present in them as something inhumane is to feed hatred and the feeling of revenge.

The expression 'a good criminal is a dead criminal' brings to light the barbarism that reigned in human societies, in addition to contributing nothing to a change in crime rates and in the population's sense of security. The blindfold that makes it impossible to look at it humanly, not only in the population, but also in the public sector, is responsible for unimaginable situations that men and women experience daily. In this sense, we emphasize the need for the State to look closely at the penitentiary system and develop affirmative actions aimed at providing an environment with conditions for a dignified life, respecting the legal guidelines; to bring the population deprived of liberty closer to the free population; Develop practices that help in their return to freedom, such as study, work, other activities that can contribute to personal development.

In addition, it is essential to focus special attention on women, as their experience in prison is even more traumatic than that of men. They live in degrading and abandoned situations, their maternal rights (including those guaranteed by law) are neglected, their suffering is not heard and their anguish is silenced. In this work, Critical Discourse Analysis allowed us to reveal a little more about female imprisonment in Brazil, especially the situations of pregnant and postpartum women, because their speeches are loaded with experiences and demonstrate the neglect and invisibility experienced by these mothers.



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