

Fundamentals of Education in Intervention with Young Offenders. A Critical Review of a 'Successful' Case in Andalucía, Spain

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Abstract

This manuscript analyses the case of Rashid, a young offender who became a child protection educator after completing a rehabilitation program for young offenders in Spain.

His rehabilitation process has been analysed from an educational perspective. Specifically, some of the main pedagogical fundamentals of his experience in the youth criminal justice system have been critically reviewed.

Interviews (with Rashid and other informants); documentary records (official reports); and photographic records (numerous pictures of his rehabilitation process), among others, were the main sources and data-collection techniques used in the study.

Conditioning was the prevailing learning strategy, and acculturation was the predominant pedagogical process during the rehabilitation process. Despite the turn of events in Rashid's life, neither of them should be used as grounds in these types of cases.

The conclusions discuss the concept of the 'institutionalised character' that emerged from the study. Appropriate substantiation is provided for the educational, personalised and holistic approach that is argued to be the most suitable in these cases.

Keywords: Youth criminal justice; Educational model; Conditioning; Acculturation; Education; Case Study.

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Fundamentos educativos básicos de la intervención con menores infractores. Revisión crítica a través de un caso “exitoso” en Andalucía, España

Resumen

Este artículo analiza el caso de Rashid, un menor infractor que se convirtió en educador del sistema de protección de menores tras experimentar un proceso de reforma juvenil en España.

Dicho proceso de reforma juvenil ha sido analizado desde una perspectiva educativa. De manera particular, algunos de los principales fundamentos pedagógicos de su experiencia en el sistema penal juvenil han sido analizados críticamente.

Entrevistas (con Rashid y otros informantes), registros documentales (expedientes e informes oficiales) y registro iconográfico (numerosas fotografías de su proceso de reforma juvenil), además de otras, fueron las principales fuentes y técnicas de recolección de datos empleadas en la investigación.

Según los datos, el condicionamiento fue la estrategia de aprendizaje que prevaleció sobre el resto y la socialización fue el proceso pedagógico dominante durante el proceso de reforma juvenil. A pesar del giro que dio la vida de nuestro protagonista, ninguno de esos dos elementos debería ser considerado fundamento básico de este tipo de intervenciones.

En las conclusiones se revisa el concepto ‘Carácter institucionalizado’ que emerge del estudio. Y, de manera argumentada, se reivindica una aproximación educativa, personalizada y holística más adecuada a la mayoría de casos de este ámbito.

Palabras clave: Justicia penal juvenil; Modelo educativo; Condicionamiento; Socialización; Educación.

Summary: 1. Introduction, 2. Pedagogical foundations of the youth rehabilitation process in Spain, 2.1 Learning paradigm, 2.2 Educational principle, 2.3 Pedagogical processes: acculturation and education, 3. Methodology, 4. Findings. Conditioning and acculturation as a pedagogical basis, 4.1 Mechanistic matrix and institutionalised character, 4.2 Subject to the resident’s good behavior, 4.3 Criticism of the Detention Centre’s pedagogical model, 5. Conclusions, 6. Bibliographic references.

1. Introduction

This article results from a study that analyzed the rehabilitation process of Rashid, an individual from the Maghreb who was arrested in Spain for drug trafficking when he was 17. At the time he was technically labelled as an Unaccompanied Foreign Minor (UFM). As a result of his drug trafficking offence, he was sentenced to a two-year rehabilitation program. Two court orders were issued: in the first one he was remanded to a detention center, and in the second one he was granted probation. Before the end of his probation period, he began to work within a childhood protection scheme in a foster home. More than fifteen years later, he is still working there; in fact, he has been employed as an educator for several years now. His life is now very different from his initial offending period years ago.

One of the main reasons for carrying out the study was how the case evolved. Rashid shifted from being a 'young offender' to a 'child protection educator' due, fundamentally, to different factors that came together during his rehabilitation process. The focus of the research was therefore to analyse this process.

The study led to a reflection on some of the fundamental elements of the pedagogical model used in the youth criminal justice system, which have received little attention in Europe (Tärnfalk & Alm, 2019). The focus of this article is on the learning strategies and pedagogical processes that were implemented.

A vast amount of information was collected to develop and subsequently analyse the case. Several sources and data collection techniques were important in the case study: (1) Several biographical interviews with Rashid and with 17 key informants, including the judge who tried his case, the deputy director of the Detention Centre (DC) that he was sent to, his tutor at the DC, his probation tutor and his foster mother, among others; (2) all reports and official documents of the process; and (3) a collection of more than two hundred photographs, mostly of his rehabilitation process. Ferrarotti (1993) said that one can understand a system through an individual's case, in this occasion, a prism through which to approach the educational ins and outs of the youth rehabilitation model in Spain. While this paper draws on data from the Spanish context, its findings are relevant to educators internationally.

The findings analyse the most important learning strategies and pedagogical processes involved. They illustrate how some approaches that would have been more suitable for this case (and other similar cases) were relegated to the background.

The conclusions discuss why conditioning (aimed at modifying conduct) and acculturation (essentially aimed at developing behavioral patterns) are important, but should not be the basis for the pedagogical model of the youth criminal justice system. The

approach to be taken should be educational and open to the use of diverse strategies. The concept of the 'institutionalized character', which emerges from the study, is discussed and some arguments are provided to counteract it.

2. Pedagogical foundations of the youth rehabilitation process in Spain

This section contains a description of the pedagogical foundations of the youth court system in Spain. Point 2.1 includes an explanation of the learning paradigm which usually predominates in youth rehabilitation processes and how this paradigm favours conditioning as the major learning strategy and basis used in this area of intervention. Point 2.2 discusses the "educational principle" that has been found to be the guiding principle in this jurisdiction. The differences between some of the pedagogical processes that were carried out in the case under study will be clarified, focusing on education and acculturation (point 2.3).

2.1 Learning paradigm

Law 5/2000 envisages a series of pedagogical criteria to be used in every order for guidance purposes. All orders must be based on "behavioral science".

In accordance with the guidelines provided, the Law establishes a wide range of orders that may be applied from a punitive-educational perspective (...). The specific purposes to be met by the listed orders according to behavioral science are detailed in Section III of this Preamble for guidance purposes. (Law 5/2000, p. 1424)

Different learning theories have been developed throughout history within the sphere of developmental psychology, including innatism, mechanical philosophy and constructivism, among others. The youth criminal justice system in Spain has specifically opted to apply behaviorism as the basis for the implementation of court orders applicable to young offenders.

Conditioning and modifying conduct

This subsection contains a brief summary of the main characteristics of this paradigm. Its learning strategy revolves around the development of human conduct. It conceives individual development and behaviour as the result of the events that take place around them. The human individual is the result of the reinforcing contingencies. Everything in life has a reinforcing value, thus promoting one form of behavior or another (Trianes-Torres y Morales-Rodríguez, 2012).

It is an approach founded on the association between stimulus and response. Learning is understood as a process which focuses on the existing relationship between input and output. Its logic focuses on the circumstances that enable a particular behavior, based on the interconnection between the different elements mentioned above. The role of teaching-learning processes is therefore to combine in order to achieve the pedagogical goals established.

The basic and more used model of learning is operant conditioning. Operant (or instrumental) conditioning involves creating the conditions and stimuli necessary to achieve the intended behavior. The question is to bring into play the reinforcers that are necessary to achieve the intended goals.

This paradigm presents a series of limitations, particularly considering the individual's increasingly complex psyche, and the fact that the inferences between stimuli and responses can be less linear. The application of this approach means that individuals are always at the mercy of contingencies. Along these lines, education would have little to say. However, it can be argued that human beings have the ability to discern before acting, and play a more active role in their decisions and behavior.

The approach outlined here may be applied in specific developmental stages, particularly in the earlier periods, and also in order to develop specific behaviors in adults. However, its educational value is limited, since human thinking is more complex than that; more elements come into play before decisions are made than those envisaged by conditioning. Genuine cognitive processes and a series of psychological mechanisms are at play before individuals engage in any type of conduct.

The next subsection discusses some consequences of using this paradigm as the guiding principle of Law 5/2000.

The value of learning

A long-held demand in the pedagogical sphere is for learning to have *use value* and not only *change value* (Pérez-Gómez, 2010). Learning something only with a view to creating an outcome is of little value. Rather than developing ideas, conducts, skills, etc. merely to obtain something in return, what is important is that the learning contributes satisfactorily to the learner's identity and development as a person. Learning should involve incorporating thinking, feeling and acting into an individual's way of being. Only then will it be truly educational.

2.2 Educational principle

The educational principle is a specific and fundamental principle of the criminal justice system for young offenders. The requisite legal procedures and the execution of all orders must be imbued with this principle.

Whilst for persons over eighteen the essence of the legal apparatus can be found in punishment and the punitive action of the law, a pedagogical purpose must prevail as far as under eighteens are concerned. This seeks to prevent adolescents from reoffending (Law 5/2000).

Specifically, the choice of a given type of order (detention, probation, community service, etc.), and, above all, its execution, includes the space where the educational principle is to be implemented. It is carried out based on the individual evaluation of each case.

Nature of the procedure and orders applicable

“General principles of Law 5/2000: (...) formally criminal but materially punitive-educational nature of the procedure and orders applicable to young offenders” (Law 5/2000, p. 1423). The combination of sanction and education established in the general principles of Law 5/2000 may cause certain confusion in its interpretation. In some cases, these principles are understood more from a sanctioning perspective than from a pedagogical one. And this predominating punitive spirit may, in practice, influence the evolution of the whole process (Kras, Dmello, Meyer, Butterfield & Rudes, 2018).

The formally criminal nature of the legislation must not condition the materialisation of the procedure and the orders established. The different actions undertaken by the justice system are clearly within a criminal framework. This framework must be regarded as a social response (officially and institutionally legitimated) to harmful acts committed against the legislative system which regulates and seeks to ensure coexistence among the population. When the offender is a person under eighteen, the rehabilitation process must be governed by the educational principle, which is the guiding principle that oversees and shapes the different socio-pedagogical decisions, activities and initiatives implemented. Rehabilitation must be founded on learning; on ensuring that the individual learns to live by the rules. This aim, however, must be essentially articulated by implementing pedagogical actions (Law 5/2000).

The youth rehabilitation process must therefore be interpreted as a framework which provides the opportunity to implement an educational process. Some studies involving young people with similar characteristics have shown that young offenders who have

received more pedagogically-based court orders have lower reoffending rates than those punished with more repressive orders (García-Pérez, 2007).

2.3 Pedagogical processes: acculturation and education

A brief theoretical explanation will now be given of two pedagogical processes that took place during the youth rehabilitation programme experienced by Rashid. Some confusion exists between these processes and therefore it is important to clarify the main characteristics of each one.

Primary acculturation

Primary acculturation is the process through which individuals develop their symbolic capacity and recreate the world through meanings (Pérez-Gómez, 2004) (which are contingent on their environment). Everything surrounding them can be understood based on cultural interaction.

Humans are cultural beings. Each context involves a series of cultural influences. Reality is complex and is made up of different cultural layers. Each subject is therefore culturally subjected (Beltrán-Llavador, 2013), and is influenced by the surrounding cultural layers and socio-historical situation. It is in this mediation space (or spaces) that the different evolutionary stages take place. Each cultural niche is a mould that is flexible and permeable to a greater or lesser degree, and makes a crucial contribution to the shaping of a human being. Childhood and adolescence are usually vital phases in this process. The different characteristics of the contexts in which each subject develops will largely define their way of being in the world. Primary acculturation is a humanisation process developed through culture (Durkheim, 1976; López-Herrerías, 2013).

Primary cultural assimilation processes are carried out naturally, without bringing into question beliefs, feelings, values, thoughts, etc, of the life context in which the individual is developing. Primary acculturation is therefore an uncritical process.

Education

To start this section, it is worth clarifying that when talking about education, we are referring to education as a pedagogical process, not as a science.

In that sense, education is a specific type of pedagogical process. Each of the different processes that are part of a pedagogical process is substantially unique, and has precise characteristics and purposes (Caride, 2010).

There is no single, unequivocal approach to the concept of education although a general consensus exists. An attempt will now be made to establish some of the elements considered fundamental to this concept.

While the etymological origin of the term is not fully known, two Latin verbs are used as a reference when studying the development of this concept: 'educare', which means nurture or feed, and 'educere', which means extract (Colom-Cañellas y Núñez-Cubero, 2001). Both meanings seem to have developed as the term evolved over time. The proposition presented here is the result of combining the two. The individual needs to be culturally nurtured, to enable them to reach their own conclusions and construct a singular way of thinking that contributes to their evolution and development.

In this regard, education should make individuals more autonomous and able to adequately cope with their environment (Del Pozo-Serrano, 2017). This can only be achieved by developing personally constructed criteria that inform their thinking. By questioning the approaches presented to them (critical thinking), individuals must be capable of developing their own ideas. For this reason, it is said that cognitive conflict is necessary. Education must make people freer and more independent in order to think, choose and decide for themselves.

The person being educated must play an active role in the educational process, or at least in the critical-creative process required. For this reason, it is said that there are no passive subjects in educational processes. So, what is the task of the educator? It consists of generating the conditions which bring about the educational process (Herrera-Pastor, Padilla-Carmona y González-Monteagudo, 2020; Tucker, Meloy, Napolitano, Lyttle Storrod & Curtis, 2019).

This process must cause a change in the individual, or at least the restructuring or consolidation of a cognitive structure. Therefore it involves the transformation of the human being. Any individual who experiences an educational process should have become a different person when it is completed.

3. Methodology

A variety of information sources and data collection techniques were used for the biography and research. In addition to interviewing Rashid on numerous occasions and for various purposes, seventeen key informants¹ were interviewed:

¹ There were actually twelve people, but those in italics played a dual role and were interviewed on the basis of each of their roles.

- The judge who handled the case.
- The deputy director of the juvenile Detention Centre (DC).
- *The DC social worker who is also a Director of the organisation where Rashid currently works.*
- His tutor at the DC.
- *A DC educator who currently works as part of a youth criminal justice technical team.*
- *2 DC trainers who are now friends with Rashid.*
- *A DC laundry worker who later became Rashid's foster mother.*
- Rashid's probation tutor.
- A probation educator.
- *A workmate of Rashid's who is also his flatmate and friend.*
- One of his biological brothers.

All of these testimonies provided a complete overview of his life, and enabled us to obtain a detailed understanding of his rehabilitation process and the importance it had in his life.

The following documentary sources were particularly important: a) Rashid's youth criminal court file; b) Rashid's file held at the General Directorate for Youth Rehabilitation (the body responsible for implementing the sentence issued by the judge). c) More than 200 photographs were collected, most of them taken at the DC at different times.

The rest of the information sources and information collection strategies used are summarised below:

- SWOT on the youth rehabilitation process experienced by Rashid (all respondents).
- Legislation in force during the case: Law 5/2000, which regulates minors' liability.
- Report not included in the tutor's files at the detention centre.
- Unexpected Information: Manuscript compiled by Rashid about the meaning of his work + Interview.
- Researcher's notebook.
- Member Check (Twice on Rashid and once on all other key informants).
- Manufactured materials:
 - Biogram.
 - Sociogram + Interview.

Rashid's case was analysed using all of the above information. The convergence of data from such diverse sources and techniques provided the opportunity to understand and develop a complex and complete representation of the situation (Bertaux, 2005).

All the information was member-checked by informants. The information was analysed using the qualitative data analysis program NVivo.

4. Findings. Conditioning and acculturation as a pedagogical basis

The results presented below are focused on the first court order, which prescribed that Rashid should remain in a detention centre. This had a major impact on his development and also clearly illustrates the pedagogical model that is of interest here.

All young people under eighteen who are given a semi-open regime detention order, as Rashid was, must live in a detention centre for young offenders and carry out the tasks assigned to them. When the circumstances are right and the professionals in charge allow it, inmates are allowed to leave the centre to engage in other types of activities that help them achieve the objectives set out in the rehabilitation program.

This section generally analyses the aspects that were part of the mentioned court order. The pedagogical actions that prevailed in Rashid's rehabilitation program have been mapped in what we have come to call the 'acculturating matrix'. The most illustrative elements of this matrix are illustrated and analysed below.

4.1 Mechanistic matrix and the institutionalised character

The different information collected shows that most young people who entered the detention centre came from economically and culturally depressed social strata. As they were growing up, most of them had internalised cultural patterns that were radically different from the social norm (some of their behaviours had brought them into conflict with the legal system). Some appraisals made by professionals from different disciplines at the detention centre when Rashid first entered are reproduced verbatim below.

- His behaviour has led us to think that he comes from a family with a certain socio-cultural level and ethical values.
- Since he entered, his behaviour has been appropriate in all respects. He has continuously displayed good manners in dealing with others: 'He says thanks for everything'.
- He shows no lack of emotional control or impulsive behaviour.
- He has internalised personal hygiene habits, including oral hygiene (which is difficult to achieve with the rest of the group).
- He stands out for his good table manners.
- He is very collaborative when engaging in group cleaning.
- He has a good image of himself and always takes pride in his appearance.

- He likes to do physical exercise and always respects the rules of the game (extracts from chapter 4 of the biography).

These evaluations highlight his individual characteristics, but at the same time reveal the shortcomings that most of the detention centre residents had. In other words, Rashid stood out because he displayed these characteristics, in contrast to the majority of his peers in the centre, who did not possess them. Therefore, the points listed above were identified as pedagogical elements to work on with most of the detention centre residents.

As can be seen in the following pages, there was a process of assimilation of a series of routines, norms, behavioural patterns, forms of communication, attitudes, values, etc., in the detention centre which, in essence, sought to acculturate those young people into the dominant culture.

From the point of view of health and hygiene, an attempt was made to ensure that they took up individual hygiene habits (forcing them to shower, brush their teeth daily, etc.) and cleaning patterns (tidying up the house every morning, washing their underwear every day, etc.). In terms of eating habits, meals occurred a certain number of times a day and at specific intervals. From a behavioural point of view, the aim was to eradicate violent behaviour and encourage dialogue (by also sanctioning aggressions). In terms of the tasks performed, they were encouraged to internalise the work culture, organise the day and distribute the tasks throughout the day (school, workshops, physical activities, homework), with formative/professional responsibilities predominating over free time.

All these aspects were generally promoted because a large part of the residents at the centre came from social strata that presented showed very limited cultural patterns (they were not used to taking care of their personal hygiene, they ate when they could, participated in fights, leisure prevailed over work, etc.).

The children who come to the detention centre were not properly brought up at home, so their personal stuff such as their hygiene, the state of the bedrooms, it leaves a lot to be desired... If you give them sheets to make the beds, they can't be bothered to do it because they are used to sleeping on the floor. Some of the people who came here didn't even know that there are things called sheets to put on the beds. (a DC laundry worker who later became Rashid's foster mother, Biography, p. 240)

In the morning we got up at 08:00 and went to school at 09:30. I remember that every morning we went downstairs, had breakfast, went upstairs, did the laundry, mopped, swept, cleaned the rooms. One of us swept the living room, another one scrubbed it, one did the bathroom, one... Just shared it out a little bit. (Rashid, Biography, p. 67)

The extent to which these activities were achieved was publicly recorded in a table that served to control the implementation of the different aspects on which they worked

daily. This was followed up by the inmates being graded. This score was numerically expressed on a scale of 1-10, with 1 being the minimum and 10 the maximum score.

²Well, everything there works by activity; there was a sheet on there that said 'Activities': 'Behaviour', 'Hygiene', 'Cleaning', 'whatever'... And they gave you a mark. Like a grade record. At the top they put our names. It was a list of activities: 'Behaviour', 'whatever', 'Cleaning'... Several things. And at the bottom they put the marks for the whole week. At the end of the week they added it all up, subtracted what was needed and you got your final grade. If you get a good grade you get one more euro [in your weekly pay]. And this is subtracted if you get a bad grade. When you were given 1 point, I don't know if they took half your pay or the whole pay, can't remember.

You were given 1 point when you got in an incident one day. Getting 1 point just one day wasn't a big deal, I know you got money deducted from your wages, but it wasn't a big deal. Now, if you get 1 point three days in a week, that means you get 1 point for the week'. When you got 1 point on a week is when they put 1 point in a red circle. That means you miss your weekend out. Without wages and without going out the weekend.

(Rashid, Biography, p. 74)

The lowest rating was awarded when the activities were not satisfied to a minimal extent and there were substantial behavioural problems. These marks involved different types of sanctions: deducting money from their pay, withdrawing permits, not allowing visits, and so on. On the contrary, positive ratings were rewarded by giving inmates privileges.

This dynamic, which in psychological terms is called the 'token economy system', was intended to contribute to the development of social patterns and habits appropriate to the characteristics of the dominant general context. However, the lessons that could be learned through such a dynamic were contingent on the circumstances of the detention centre.

Life in the house was organised mechanically, in as much as that the boys' responses had the same mechanical structure. That routine seemed to work inside the detention centre, but it was easy to achieve the desired effect and the expected results because all the learning actions were being implemented in a very controlled environment. On the contrary, the lives of young people outside the detention centre were influenced by the multiple elements and the participation of different social agents (family, peer group, economic and social environment, among others) determined the development and behaviour of each subject. That pedagogical initiative made some sense within the institution, but what effect did it have outside the centre's walls? When the institution ceases to have control over the subject (weekend outings, completion of the court order, etc.), subjects stop 'acting' and begin to behave autonomously, doing things that they would not normally do in the detention

² Rashid had some language limitations when he was interviewed. However, what he wanted to convey was understandable, so his statements were transcribed verbatim.

centre, such as not respecting schedules, taking drugs, getting involved in fights, committing crimes, etc. This comes to show the importance of the pedagogical proposal in the rehabilitation process.

It must be noted that in the detention centre, inmates usually develop survival strategies to adapt to the requirements established by the institution. In this way, they respond to what is demanded, simply to avoid being sanctioned and to choose the path of least resistance through the juvenile justice system. If their behaviour is different from that which is demanded, the individual's true self is hidden (using various camouflage techniques) and the role expected in the rehabilitation process is adopted, including behaviour (e.g. not being violent), habits (e.g. everyday grooming) and routines (e.g. keeping to schedule and activities). In this way the individual becomes an 'institutionalised character', in other words, complies with what the institution demands, but not because there has been a transformative process, but, simply so as not to be sanctioned and to survive. The term 'character' means a real or imaginary being that appears in a literary, theatrical or cinematographic play. If an individual wants to overcome the process to which they have been subjected, they play the role that the institution expects.

In such cases, although individuals seem to have learnt something useful from within the setting in which they find themselves, this does not mean that they have really internalised it. In such cases it is a somewhat circumstantial form of learning that fails to become a true self-transformation.

In the case under study, it seems that mechanistic environmentalism, which was created as a matrix for operational purposes, contributed to Rashid's development of a chameleonic character (by adapting to the demands of the centre). However, there was no real effect on the configuration of his individual identity, since he had grown up and had been acculturated into the target culture, with most of the norms, habits and routines that were taught and required at the detention centre. Therefore, he merely slightly adjusted his behaviour to what the institution demanded.

Rashid is a special case because he already had a basic set of morals and rules that were very different from what you usually find in the detention centre. The kids who come here generally need to abide by rules that they haven't previously come across. In Rashid's case, we started from a higher position; he had messed up, but had a solid upbringing. (Deputy director of the Detention Centre, Biography, p. 212)

He was a child who had been brought up well, he was well acculturated; his values... he was rooted, good to his family, strict with his culture, his religion... very good, very good. (Rashid's Tutor at the Detention Centre, Biography, p. 273)

4.2 Subject to the resident's good behaviour

The ordinary dynamics of the detention centre took place on school days and were structured according to the school calendar. As a result, the interns were usually allowed to go home to their families at weekends, during school holidays and over public holidays.

In the case of Rashid, at first it was not possible for him to enjoy these permits because he had no family in Spain. His entire family was in his country of origin. The fact that his parents resided in a different country made it virtually impossible for Rashid to enjoy ordinary permits. Technically he was in Spain as an Unaccompanied Foreign Minor (UFM), so on those days when he might have potentially left the centre, he was unable to do so because no adult was available to take responsibility for him during the time he would be away from the centre.

Inmates who were unable to take those permits had to remain in the detention centre. On those days there were fewer activities than the rest of the week and the dynamics were not usually so structured. As there were no classes or workshops (which were two of the core activities that made up the daily life of the detention centre during working days), the structure of tasks was limited to internalising the basic routines of the acculturating matrix: getting up at a set time; having breakfast, lunch and dinner at set times; performing domestic chores and personal hygiene; etc. In addition, leisure and entertainment activities were planned.

Summer is like a vacation there in the centre, there is no school in the morning and what they do is look for activities for the kids who are there. (Rashid, Biography, p. 48)

Despite the above, Rashid enjoyed numerous weekend permits during this period. His youth criminal court file shows he was awarded 29 permits. It must be noted that the application for and approval of each permit were subject to the good behaviour of the young residents. Below is a fragment of a weekend permit application that the centre requested for several inmates, including Rashid, where it was explicitly stated that the authorisation was subject to their good behaviour.

We hereby submit a request for a permit for the weekend of 8 to 11 June 2001.

| | |
|---------------------------|---------------------------|
| Intern's Name and Surname | To stay with his family. |
| Intern's Name and Surname | To stay with an educator. |
| Rashid Surname | To stay with an educator. |
| Intern's Name and Surname | To stay with an educator. |
| Intern's Name and Surname | To stay with an educator. |
| Intern's Name and Surname | To stay with an educator. |
| Intern's Name and Surname | To stay with an educator. |

Intern's Name and Surname To stay with an educator on Sunday, 11 June
These permits are subject to the minor's continued good conduct, subject to any considerations to be made by the Court. (Youth criminal court file, Biography, p. 245)

During the first few months, Rashid was only able to enjoy partial outings, which allowed him to stay away from the centre during the day, without spending the night outside the centre. Initially, these outings were with the educator and later with Leli and her family. Leli was a lady who worked in the detention centre's laundry, with whom our protagonist established a fraternal relationship (so much so that months later she ended up becoming his foster mother).

Between one activity and the next, there were times when I would go to the laundry and help out sort clothes, fold them and so on. I did it because the woman who was working there was the one I went out with at weekends, who took responsibility for me when I left on probation. (Rashid, Biography, p. 72)

She wanted to help him and at first, she offered to take responsibility for him so that he could enjoy the permits to leave the centre, given his official 'helpless' situation as an Unaccompanied Foreign Minor. The team of professionals at the detention centre endorsed the proposal because Rashid was behaving remarkably well. In compliance with the bureaucratic procedure, approval was granted so that he could enjoy full permits to stay with Leli and her family.

[Leli] asked me why I didn't go out at weekends. She talked to the educators. The educators worried about me, they said that I was doing very well, that I deserved to have a weekend out, so I don't have anyone to go to because my family isn't here. Then, she commented that she takes responsibility for me, she takes me with her on weekends. The educators told her that they were fine with that. They discussed it with the director [of the detention centre], asked for permission, a study was done about it and it has been granted. Then they left it for me as a surprise... From then on, I stayed at Leli's house on the weekends... (Rashid, Biography, p. 72)

From then on Rashid began to enjoy full weekend leaves (from Friday afternoon to Sunday evening).

As can be seen, the outings were also part of the conditioning strategy that sought to contribute to the development of his acculturation process. The outings had to be earned. In order to do so, each inmate had to fulfil the objectives set, which were fundamentally behavioural. They were part of a learning strategy that used conditioning as a way to get each subject to behaviourally adhere to the dictates of the detention centre. The permit application below combines the arguments expressed so far and explicitly states that the trip for which the permit is requested would foster the inmate's 'normalisation' process:

We hereby request that Rashid Surname be authorised to accompany Mrs. Leli Surname, a worker at this Centre, and her family on a trip to Madrid. This minor has stayed with them on family educational outings at weekends and behaved well. His behaviour in the Centre is remarkably good and the trip will foster his normalisation and reinforce his progress. (Youth criminal court file, Biography, p. 246)

As can be seen, this is an appeal to the acculturating effects that this outing had on Rashid's development. This shows once again that one of the main objectives of the detention order, and of the rehabilitation process in general, was to ensure that the inmate's behaviour was compliant with the majority view. In other words, a conditioning strategy was implemented to carry out an acculturation process which would fundamentally guarantee the development of behaviour patterns in accordance with those of the dominant culture.

In this case we were lucky that things worked out between Rashid, Leli and her family. This also illustrates what his attitude was. It was extraordinary for an employee at the detention centre to take responsibility for a kid at the weekend. In the time I've been here as deputy director I think he's only the second boy who has done it and the only one who has managed to do it consistently. Which gives you an idea of what Rashid's attitude and demeanour was. A totally reliable kid, as he has continued to demonstrate in his later life, since he leads a normal, orderly, and for many, exemplary life. (Deputy director of the Detention Centre, Biography, p. 274)

4.3 Criticism of the Detention Centre's pedagogical model

Several of the professionals at the detention centre (DC) who were most involved in Rashid's case were critical of the pedagogical model implemented there. They believed that this model did not help to transform young Rashid individually, that his learning opportunities were poor and that the model had little effect on his personal development.

I will be honest with you: I don't believe in the centre's pedagogical system, and I don't believe it helped him at all to change. (Trainer at the DC, Biography, p. 317)

They believed this for several reasons. Firstly, they did not share the idea that all work with detention centre residents should be uniform; rather, they thought that their personal needs should be met. Secondly, they believed that the DC's pedagogical model was merely restricted to promoting the interns' acculturation process.

When Rashid talked about the aspects he found most helpful in his situation, he mainly referred to the logistical support offered by the DC and the opportunity that this support gave him to decide his future. However, he did not mention any specific learning that had helped him to make progress in any way.

5. Conclusions

The research indicated that conditioning was the dominant learning strategy in the youth rehabilitation process described. It was used mainly for the purpose of modifying young offenders' behaviour. In a similar vein, the pedagogical process that was mostly implemented was acculturation, which was devoted to encouraging the development of behavioural patterns among young offenders. These two aspects were closely related to each other, since conditioning is very suitable for implementing this type of pedagogical process. However, in general terms, these do not seem to constitute an appropriate basis in interventions with children under eighteen. This is discussed in detail below.

The process of youth rehabilitation in Spain is conditioned by a learning strategy

As has been seen, according to Law 5/2000, which regulates minors' criminal liability, intervention programs carried out with under-18-year-old children within the youth criminal justice system in Spain must be governed by the 'behavioural sciences' (p. 1424). This means that the system supports a specific theory of learning in the execution of court orders for young offenders. While in theory it is possible to choose the most appropriate methodology for each individualised order execution program, the position held by the youth criminal justice system determines the approaches adopted in the interventions, and in effect, the conditioning is the strategy taken as a basis of the pedagogical work with young offenders (Uceda i Maza & Navarro-Pérez, 2013).

Conditioning is an approach framed within mechanistic theories (Trianes-Torres y Morales-Rodríguez, 2012), as it focuses on behaviour modification. Its pedagogical significance for the learner is limited because it provides contingent learning that generates little intrinsic transformation in the youngsters. This is due to the fact that the behaviours promoted have exchange value (Gimeno-Sacristán, 2013), that is, they are used as currency to obtain rewards, avoid sanctions, etc., but they do not challenge the subject's structures and, therefore, they do not result in significant learning (Bernstein, 1988) that substantially transforms the individual.

In addition, one of the risks of this learning strategy is that subjects may become 'institutionalised characters'. As explained in the findings, young residents adapt their way of being (fundamentally their behaviour) to the demands of the institution. In this way, inmates do not engage in any transformative learning; on the contrary, they merely adjust their behaviour to the demands of the situation. Therefore, they do not undergo any form of personal transformation, but rather a process of camouflaging in the context in order to survive. García-Vita & Melendro-Estefanía (2013, p. 53) called this process 'intramural acculturation'.

To ensure that learning is deeply rooted and provides the learner with a more transformative experience, it must be transferable to any other environment. It is not enough for such learning to be useful only in the specific context in which it is learned; it must also go beyond it. Otherwise, it is merely circumstantial learning, which is useful within that scenario, but has not been embraced by the subject in order to continue to use it in other situations.

Consequently, conditioning cannot be the only method of learning, nor the basic strategy of pedagogical intervention in youth rehabilitation processes. The strategies to stimulate learning should be at the service of the program that is developed for each case, and should not determine its design. This does not mean that conditioning and behaviour modification should not be used in these types of cases at all; it means that the learning strategy or combination of strategies and intervention should be designed for each case on an individual basis.

Finally, the applicable legislation should not favour any theory of learning, as each case is unique and demands a specific approach.

Acculturation as a starting point instead of as a goal

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As discussed, acculturation was the pedagogical process that prevailed during the rehabilitation process undergone by Rashid, whereas the process advocated for these types of cases is education.

As has been seen, primary acculturation is a natural process whereby every individual acquires the culture in which they are immersed. When the young offender comes from a context and a culture where the prevailing codes differ from those that predominate in the majority culture, in the individualised order execution programme should logically include the implementation of acculturation processes with the learners as one of the first pedagogical objectives.

In many cases, these young people come from social strata with reduced cultural patterns which are appropriate to their environments of origin, but do not always allow their development outside them. Through acculturation processes, the aim is to provide them with codes (not only idiomatic, but also behavioural, ethical, etc.) that enable their development in any other context (Herrera-Pastor, Soler-García y Mancila, 2019).

When these young people leave their symbolic world, they often find that they feel handicapped, as they possess insufficient cultural resources and therefore have fewer opportunities to progress than those who have been acculturated in that context. As a consequence, it is necessary to compensate for this cultural and social inequality in order to

pursue equity (Herrera-Pastor y De Oña-Cots, 2017). This requires counteracting their cultural (and social) limitations from an intercultural perspective (not as a melting pot) (Briones y Ramos, 2016), so that they can grow in other scenarios, while ensuring that their (individual and collective) identity is respected. A series of basic 'codes' need to be learned that allow them to break away from the social determinism that constrains their potential for development.

In this sense, as the detention centre embodies one of the State's institutions (Míguez, Misse y Isla, 2014), it must try to provide inclusive education, not a form of education that adopts the dominant position of the mainstream culture.

Bearing in mind that this process of (secondary) acculturation pursues limited development objectives, the process must evolve to pursue more far-reaching objectives. In order to do this, the pedagogical model should be personalised and situated (Díaz-Barriga, 2003); and it should be truly educational and ecological, in other words, it should revolve around the following areas: focusing on the situation that brought the individual to justice; moving towards a critical and empowering process; and conducting an integrated intervention (Long, Sullivan, Wooldredge, Pompoco & Lugo, 2018).

The results showed how the pedagogical work was essentially focused on transferring cultural guidelines from the majority culture. However, Rashid did not critically deconstruct the situation that had led him to the detention centre. The individual situation of each young resident should be the driving force for the type of intervention that is chosen.

Accordingly, (secondary) acculturation should become part of a truly educational process (Del Pozo-Serrano & Gil-Cantero, 2014), because conveying social norms ('don't steal', 'don't sell drugs', 'don't hit your partner', etc.) is simply not enough. Obviously, these messages must be transmitted, but not only by the social and cultural hierarchy (Cummins, 2017), nor by the force of law or the intimidation of the justice system. On the contrary, it must be done by deconstructing the situation that has brought the young offender into the justice system, and should be based on rigorous, complex and exhaustive foundations (Case & Hampson, 2019). The youth criminal justice system has an obligation to try to bring offenders back to legality; but, as far as possible, it should try to do so by using logical and civic arguments, that is, by substantiating the rules. This requires using as many learning strategies as necessary until the young offenders engage in meaningful learning, relying on self-conviction, not on imposition. That is why an educational process is required (Balegué-Gea, 2012; Gil-Cantero, 2016). A reflective process should be used in which learners can discern for themselves (with the guidance of professionals) the situation that brought them there, visualise and produce possible alternatives; only then will the process be creative and emancipatory, as they will own it (Lledó, 2018). In addition to intrinsically internalising this learning, an empowering process should be experienced that will give them the opportunity

to take control of their life and direct it wherever they wish to, based on the criteria they will have established themselves.

Any individualised intervention program must be articulated in an intersectional manner (Konstantoni, Kustatscher & Emejulu, 2017), so that the different elements used are incorporated meaningfully. Otherwise, there is a risk that work might be disjointed; it will seek aims that initially might seem of interest, but that if they are not connected within a personalised project, they can become blurred and be irrelevant to other contexts (Saia *et al.*, 2019).

In short, education must be the basic pedagogical process to be used in interventions within the youth criminal justice system. This must be understood as an umbrella term under which other pedagogical processes should converge, and as a critical construction that allows each individual to develop their own ideas and contribute to their development and their life project.

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