

Original Article:

**THE PLACE FOR DIALOGUE AND PSYCHOLOGY
IN THE CORRECTIONAL SYSTEM**

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Abstract

The correctional system is a research and study object in areas as diverse as law, education, social work, economy, sociology, and psychology. Considering the importance and diversity of the I-other-world relations that this system creates and perpetuates, we address the following issue: how are the I-other-world relations between psychologists and convicts depicted in the context of the criminological examination, and what are their implications? We attempt to answer this from the perspective of the Semiotic-Cultural Constructivism (Simão, 2010). We conducted semi-structured interviews with psychologists who perform or have performed criminological examinations. The results suggest that the criminological examination is justified and relevant for the relations mentioned above. It is suggested that the criminological examination may be used as a mediational means, from Wertsch's perspective (1995).

Keywords: Correctional System; Dialogue; Semiotic-Cultural Constructivism;
Criminological Examination; Mediational Means

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INTRODUCTION

The correctional system is a research and study object in areas as diverse as law, education, social work, economy, sociology, psychology, among others. The institutions comprised under this category are present in our daily lives in many different ways.

Considering the importance and variety of the types of I-other-world relations that this system creates and perpetuates, we address the particularities of psychology's role in this field: its scope of action, limitations, and possibilities for further development.

This article results from the author's MSc thesis research. The research emerged from his experience as an employee at São Paulo State Department of Corrections Management (SAP), where he has worked since 2011. We attempted to address the issues that emerged from this experience from the perspective of the Semiotic-Cultural Constructivism, with the support of the Philosophical Hermeneutics of Hans-Georg Gadamer. Semi-structured interviews were conducted with staff psychologists who perform or have performed criminological examinations.

Psychology in the Correctional System

In Brazil, when a convict serves a sixth of his sentence he becomes eligible for sentence progression, that is, he may leave integral incarceration and enter a semi-open regime, in which he receives authorization to work outside the prison facility, although he must still return each day. He may also pass to the open regime, in which he must present himself only from time to time to prove that he is following the legislation – in this case, the person serves the remaining sentence outside prison.

A convict will only pass from one regime to another with authorization from the judge responsible for his case. Such a major decision requires a vast amount of information on the case and, therefore, the judicial power requests that the prison facility provide “reports” on this convict. The professionals responsible for preparing these reports are mainly psychologists, but also social workers, psychiatrists, and even the corrections officers. The prison facility must then guarantee their delivery within the stipulated time.

One of the main issues in this process is the lack of professionals to perform the necessary examinations. Most facilities have an insufficient number of psychologists or social workers to produce the reports or to do so without hindering their other daily activities. The psychologist's activities in the prison facility consist mainly in developing projects for the inmates and providing psychological care when needed. However, with the excessive demand for criminological examinations, little time is left for other functions.

The conditions for writing reports are relevant not only because the result will allow (or not) sentence progression, but because this activity interferes in the dynamics of the institution. When a facility is short on staff to perform the examinations it solicits professional assistance from other facilities. In these circumstances, a professional might have, at times, to perform more than ten examinations in a single day, which is in itself a

problem. However, the contents and use of these reports and their consequences for both psychologists and convicts are more pressing issues.

The judge's solicitation for a psychological evaluation often comes with questions regarding certain topics. These may vary a little, but are essentially the following:

1. personality analysis
2. introjected ethical and moral values
3. aggressiveness and impulsivity
4. mechanisms for impulse control
5. tolerance to frustration
6. predominance of impulsive activities
7. critical evaluation of the offenses
8. chances of recidivism.

It is important to highlight that, if the psychologist does not agree to answer these questions in a straightforward manner, a new report may be solicited, leading to a delay in the entire process. This, in turn, represents a loss for the inmate, who awaits a judicial decision, and for the psychologist, who may have to respond directly to the judge, at the risk of facing a lawsuit for not following the guidelines. We must consider, yet, that the report is produced after a single meeting with the convict – the psychologist may solicit another meeting if he or she wishes, but the slow pace of bureaucracy and the procedural difficulty make this an unpractical option.

Considering the psychological reports must be based on pre-established topics, we ask: what are the consequences of their elaboration? Could the required model impair the dialogue between psychologists and convicts, bringing undesirable consequences to this relation? We believe it does. This model can limit the relation to a protocol where no space is left for either part's development.

Therefore, we may pose the following question: to what type of I-other-world relations does the above mentioned practice correspond? Furthermore, what are its possible consequences for inmates' relations with society, considering society has the power to sentence norm transgressors, and, generally, make them serve their sentence?

The answers to the judge's questions can determine whether the inmate will be allowed to leave the closed incarceration regime or not. This brings another question that also seems relevant: has such a task lead psychology to "protocol compliance", even if the professionals involved recognize their responsibility towards the other's life?

What consequences, then, can the use of this model and the responsibility involved in it bring to the I-other-world relations in this context? In other words, what are the consequences of the psychologist's "imprisonment" to this type of evaluation, considering that the only possibility is following the protocol and that the psychologist's actions have an influence on the convict's destiny? The professional faces pressure not only from the

judicial power but from the Psychology Councils as well (which will be further explained throughout our text).

According to Simão, the I-other relation, in the Gadamerian hermeneutic approach, has two relevant aspects from which we may consider psychology's role in the Corrections System:

First, that the hermeneutic dialogue involves the assumption, by the person, that their conceptions, values, beliefs, and words in a conversation make a whole of meaning with their interlocutor. The person and the other are, thus, a whole with respect to the content of their conversation, as well as to their relative and momentary positions in the interaction. Second, the conversational process holds, in its core, the potential for the emergence of novelty. (Simão, 2010, p. 213)

Considering dialogue in this conceptual frame, if both aspects are not present in the relation between psychology and its functions in this institution, the professional will not be able to realize that he or she is participating in an arrangement that may perpetuate violence. Consequently, the professionals will not be able to perform their tasks in a purposeful, autonomous manner, nor will they be able to base their actions on careful considerations of the psychological issues at hand. In dealing with the institutional limitations that regulate psychological practice in general and this field specifically, the psychologist in the correctional facility runs the risk of taking non-reflexive and non-dialogical action. This state of things may impair the development of psychological knowledge in this particular field, since no space is left for novelty to emerge.

This point of view, however, does not amount to a simplistic judgment of psychologists as "agents of evil". We ask ourselves, rather, if a lack of dialogue may have contributed to the present situation, in which an institutional model, an allegedly neutral, just, and scientific evaluation, lead to a perverse reality in relation to the inmates, subjected to the actions of the professionals involved in the decision processes. These circumstances obstruct the "emergence of novelty"¹, which would be present if the dialogue produced transformation in inflexible concepts held by either part, about themselves and about the other.

This aspect is directly connected to ethics in the hermeneutic perspective, as Simão explains:

(...) the emergence of novelty in the hermeneutic perspective does not take place through the concealment of preconceptions, about the self or about the other, but rather through their eventual transformation. The self selectively reconstructs itself in the continuous dialogical confrontation. In this perspective, the possibility of a hermeneutical

understanding of the text/other that, as we will see, unfolds in the understanding of oneself, demands from the start an ethical commitment to oneself and to the other: it is necessary for both to have a voice. (Simão, 2010, p. 205)

In other words, can psychology be restricting the other's voice, in this case, the convict's, thus limiting the possibilities and voices of both parts involved? Furthermore, might other institutional voices beyond this particular relation, plural and divergent among themselves, have a restraining influence over psychology?

In one of his most important works, *Discipline and Punish: the Birth of the Prison* (1975), Michel Foucault called attention to the consequences of the modern prison system. Foucault affirms, with respect to the historical construction of the concept of prison:

(...) perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed – the legal register of justice and the extra-legal register of discipline – against one another. (Foucault, 1995, p. 301)

Is psychology falling into this “extra-legal” scope (the most representative in this case), condoning relations of power and submission? This may be easier to understand when we look at the relation between prison and the legal dispositions. As Foucault shows, and this is perhaps one of his greatest contributions, it is not the law that guides the actions in this system, but the other way around:

(...) prison is not the daughter of laws, codes or the judicial apparatus; (...) it is not subordinated to the court and the docile or clumsy instrument of the sentences that it hands out and of the results that it would like to achieve; (...) it is the court that is external and subordinate to the prison. (Foucault, 1995, pp. 307-308)

Such an assertion is extremely relevant to us since it provides a very important notion of the significance of tradition and history. The actions inside this system, including psychological practices, cannot be thought solely as the implementation of a neutral and uninvolved legislation. They are part of a tradition replete with underlying assumptions

that must be evidenced so that dialogue may eventually relocate them in new understandings.

With this in mind, we formulated the following question: is there an impediment in the dialogue between psychology and its functions in the corrections system? If so, which? And how does it take place in the I-other relation?

The disquieting experience, a concept from the Semiotic-Cultural Constructivism, can assist us in this issue. Such an experience may lead a person to confront themselves with their uncertainties and leave the field of immobility. These affective and pre-reflexive disquieting experiences, which can arise in the relation between psychologist and inmate in a frequently ambiguous manner, may bring important developments for psychology in a context of “instability” and “tension” (Simão, 2016a).

METHOD

Data Collection Procedures

The data collection was carried out through semi-structured individual interviews (totaling three), in which each participant talked about their experience with the criminological examination and their views on the role of psychology in the corrections system. Each participant was interviewed once and each encounter lasted on average one hour.

Although there were some pre-established questions, we allowed space for spontaneous questions and other modes of verbal dialogue, according to what seemed at the moment of the interview more pertinent for the objectives of the research; considering we aimed for a dialogical setting, we proceeded so as to encourage the expression of their work process as personal experience.

These aspects are consistent with the assumptions of cultural psychology, as Boesch affirms (2007):

(...)in psychological research, it is not a matter of “measure”, but of personal interactions, which require much sensitivity and modesty, an honest effort to step into the other “subject’s” world of experience.
(pp. 257-258)

All the interviews were audio-recorded and fully transcribed. The analysis was performed according to Semiotic-Cultural Constructivism's theoretical-methodological guidelines in Psychology.

Data Analysis Procedures

The data was analyzed from a dialogical perspective and in an effort to reach a comprehension of the material, according to the theoretical and methodological approach of the Semiotic-Cultural Constructivism in Psychology and the Philosophical Hermeneutics of Hans-Georg Gadamer.

Taylor (2002, p.127), commenting on Gadamer's contributions to the Social Sciences, makes a clear distinction between *knowing* an object and coming to a *comprehension* together with an interlocutor (which can also be a text or a piece of art). To know something is a unilateral relation and implies a sort of independence between what knows and what is known: neither essentially affects the other. Comprehension, on the other hand, is a bilateral relation that is always open to novelty and revision of its conclusions.

(...)Gadamer does not believe that the kind of knowledge that yields complete intellectual control over the object is attainable, even in principle, in human affairs. It may make sense to dream of this in particle physics, even to set this as one's goal, but not when it comes to understanding human beings (Taylor, 2002, p. 128)

Therefore, through dialogue with professionals from this institution, the study of relevant texts, and the experience of the author, we developed a comprehension on the subject. We were thus able to consider its particularities and historical reality from the perspective of the Semiotic-Cultural Constructivism.

We concluded the research with three interviews. There are some reasons why this number is considerably smaller than what was initially proposed. We invited fourteen psychologists, but most of them said they were 'too busy' to give an interview. The appeal to the facts that the interview would take at most one hour and that it would be done in a place of their choice was not enough to persuade them.

Even though 'too busy' was the generalized argument to decline the interview, some other issues seemed more relevant, and perhaps more significant. We heard from at least half of the invited psychologists that they were insecure in relation to their anonymity and privacy. Their concern about the repercussion of the interview was clear. Despite our insistence on the confidentiality of the interview, this seemed to be the reason for a good part (maybe most) of the refusals.

The reason for the general apprehension in relation to the possible repercussions will perhaps be clearer when we consider the interviews of those who conceded it.

The three interviews that were actually granted enabled us to make relevant considerations concerning the questions and objectives of the research; we thus decided to persist on the research and to communicate it, and in particular to communicate these difficulties we found. The interviews we made are rich and diverse enough to think about

our questions in a quite thorough manner. Moreover, the very refusal of so many psychologists to concede an interview may be considered relevant data in the construction of our comprehension.

Philosophical Hermeneutics and Semiotic-Cultural Constructivism

When developing his work, the woodworker calculates meticulously the measures and shapes he intends to “impose” on the piece of wood. He makes the cuts in the correct places, nails and glues each piece in specific angles, smoothes down and polishes its surfaces to make them soft to the touch, and in the end varnishes the final work to give shine and protect the wood.

It so happens that the wood has its particularities and “stubbornness”. The processes of thinning down, smoothing, polishing, varnishing, and everything else must, necessarily, follow the grain, conform to the direction of its figure and rays. However, the piece usually has “knots” from which the wood vessels are distributed in different and random directions, making the task harder.

When this happens, the technique “pauses”. From the path previously planned, a set of bifurcations appear. From this moment on, a series of options present themselves and the woodworker must dialogue with the piece. It starts showing its imperfections and, with them, the possible courses of action. The person and the wood piece must find, together, a new path so that the work may be concluded.

We must disagree with Michelangelo's popular saying according to which he stated that he does not create sculptures, he just removes the excess of stone from the piece of art that was already there. In the midst of the Renaissance in Florence, his position expresses well the naturalistic point of view that developed in the Modern Age. The hermeneutic perspective supports that the work is defined as it is being made. In other words, it is through the dialogue between the artist and the piece that the latter takes form, always opening new possibilities, even after the work is done. When he exclaimed “Perché non parli?” (why don't you speak?) to his newly finished Moses, Michelangelo perhaps failed to notice that his workpiece had been conversing with him since the beginning and would still, once finished, continue this dialogue with those available for it.

With this small illustration, we are not claiming that wood and stone have acquired the ability to speak. In this context, dialogue concerns the openness to the encounter with another person in the process of creation. This is Gadamer's (2008) position with respect to the Hermeneutic philosophy: dialogue, being invariably immersed in tradition, will only settle in when there is openness to transformation – a necessary prerogative for all parts involved.

The search for dialogue is thus not a moral and ethereal endeavor. The development of the I-other relation, as a dialogical process, implies a genuine fusion of horizons, which

(...) means the possibility of transformation in the horizons of the interlocutors, in the form of an eventual expansion that would allow understanding events that did not fit (could not find meaning) in the previous individual understanding of the interlocutors.

(Simão, 2010, p. 215)

Gadamer's (2008) concept of the Fusion of Horizons has many implications. These horizons are formed by the preconceptions each person carries, immersed as they are in a particular tradition. In the I-other relation, there is no possibility of neutrality or absence of assumptions. We always bring to our interactions influences from the history that constituted us, our language, historical period, family circle, personal experiences, etc.

Tradition, as an agent of transformation that is itself mutable, guides the dialogical relation. Gadamer illustrates this process with the Hermeneutic Circle: through dialogue, we merge horizons with the other and transform both elements in the interaction in a circular, or spiral, movement. We allow the emergence of novelty and the revision of our preconceptions and worldviews in a succession of interpretations and reinterpretations in the relation between part and whole.

According to Charles Taylor, an important reader and contributor to the development of Gadamer's thought, this author's greatest contribution was proposing an alternative model for thinking what Humanities means, overcoming ethnocentric and relativistic views. On this subject, he states:

(...)in Truth and Method, Gadamer shows how understanding a text or event, which comes to us out of our history, has to be construed, not on the model of the "scientific" grasp of an object, but rather on that of speech-partners who come to an understanding (*Verständigung*).

(Taylor, 2002, p. 126)

It is important to note that Gadamer is not a relativist. The comprehension through dialogue, his alternative to the method of the natural sciences, is not the same as "anything goes". He guarantees this is not the case because of tradition: novelty always emerges in dialogue, but dialogue is inevitably embedded in a tradition that limits its outcomes to the historical and linguistic reality.

Language is an aspect of Gadamer's thought that connects it to ontological positions found in psychology. As he states in his greatest work, *Truth and Method*: "(...) language is the universal medium in which understanding occurs. Understanding comes into being with the act of interpretation" (Gadamer, 2008, p. 503).

In other words, tradition, history, and preconceptions, all of which reverberate in our actions, come in the form of language. They are mobilized when we use language to understand and interpret the world, the I and the other.

Language is what constitutes us and allows the emergence of novelty through dialogue. Gadamer shows this in a quite sensible manner:

We say that we “carry on” a conversation, but in truth, the more authentic a conversation is, the less it is under the control of one or the other interlocutor. Thus, the authentic conversation is never one we wanted to carry on. On the contrary, it is usually more proper to say that we end up or even that we get tangled up in one. (...) Nobody knows what will “emerge” from a conversation beforehand.

(Gadamer, 2008, p. 497)

It is from not knowing that a comprehension can arise; our research departed from this perspective. This is also true in the methodological sense, considering one cannot know, beforehand, and strictly speaking, which paths an interview may follow. To understand and formulate a temporary truth about the work of the psychologist in the corrections system, it was necessary to recognize the difference and the presence of the other as a fundamental element in the dialogue (Davey, 2006).

We must consider these aspects of the Gadamerian formulation in their ethical radicalism and allow the contact with the other to transform and cause us to move. Cultural Psychology shows us that the human being is influenced by “cultural suggestions”, but that it does not embrace them as a passive receptor. A person can assume an active role in their relation with the world (Valsiner, 2012).

In this way, Semiotic-Cultural Constructivism sees the possibility of a person taking responsibility for the destiny of their own actions and transformations. From this position, that sees the I-other relation as a two-way street, we can understand the human phenomena in a less polarized manner, opening possibilities for the enlargement of previously static horizons.

Interpretative Analysis of the Interviews

To comprehend the interviews and approach our initial questions, we consider the criminological examination as a *mediational means*, in the sense proposed by Wertsch in *Mind as Action* (Wertsch 1998). We consider there is a relation of transformation of agent and mediational means in the course of the action, where power and authority play an important role in the decision over which cultural tools can and should be used in a given situation:

The task of a sociocultural approach is to explicate the relationships between human *action*, on the one hand, and the cultural, institutional, and historical contexts in which this action occurs, on the other.

(Wertsch, 1998, p. 24)

Approaching the criminological examination in such a way enables us to develop our understanding of the matter beyond the reach of the individual impressions of each person, towards a cultural and historical understanding:

(...) a focus on the agent-instrument dialectic is perhaps the most direct way to overcome the limitations of methodological individualism, the copyright age, the centralized mindset, and so forth. An appreciation of how mediational means or cultural tools are involved in action forces one to live in the middle. In particular, it forces us to go beyond the individual agent when trying to understand the forces that shape human action. (Wertsch, 1998, p. 24)

The mediational means provides an interesting point of view on the person's actions (in this case the psychologist's), which enables us to situate the phenomena we are studying in a specific cultural context that not only influences but shapes human actions. These mediational means, therefore:

(...) provide a kind of natural link between action, including mental action, and the cultural, institutional, and historical contexts in which such action occurs. This is so because the mediational means, or cultural tools, are inherently situated culturally, institutionally, and historically.
(Wertsch, 1998, p. 24)

Lastly, we performed a brief analysis of the interviewees' impressions with respect to their educational and professional background and the representations they have of their profession in this specific context.

RESULTS

Interview with Participant A

The first interview was conducted with participant A (a forty-three years old male and trained since the year 2000), a psychologist of the Penitentiary Administration Secretariat since 2012, who began conducting Criminological Exams in 2013 when he joined the Volante Team (psychologists and social workers who are willing to assist prisons to meet court demands). He makes it clear that she accepted the invitation to participate in this team voluntarily, since to perform this service he would receive an additional to his salary, which he considers to be late.

In his interview, some important aspects that we considered in our project were present and significant for what represents the psychology in the Penitentiary System. Participant A tells us about important difficulties that he has to face in her daily life, such as:

"Often the professional has a range of possibilities to do the work, but there is a very dynamic that the penitentiary system has in terms of time, work and hours that does not allow that dynamic that he learns in college. That clinical thing and such, time, schedule, space, all controlled. And in the penitentiary you either adapt to that reality or adapt. "

Participant A also alerts us to the role that psychology assumes, in the context of the criminological examination, of protocol compliance, having to respond to several often conflicting powers, such as the Federal Council of Psychology, the Resolutions of the Secretariat of Penitentiary Administration, the issues imposed by the Judiciary and the Public Defender's Office, among others. Participant A makes it clear when he states that:

"You end up disregarding the resolution of the board for the sake of the institution. As you try to fit in with the reality of the institution, you will break in pieces what the board is making you professional and ethical. that you have to be. So you fail to meet one side or often get in the middle. Part of what the board wants and part of what the Secretariat wants. So in the middle you can walk, so to speak. " .

Thus, we need to ask about the autonomy of the professional psychologist in performing his duties. Does the professional, faced with conflicting guidelines and requests, create a 'middle ground' to stay in his / her role and to continue acting without prejudice?

It is evident that psychology, in this context, is at the center of an ethical and constitutional tug of war between defenders and critics of the system of evaluations for regime progression. The Federal Council of Psychology, by Resolution CFP 012/2012, makes clear some limits of the psychologist's performance in the Penitentiary System, whose limits often conflict with judicial requests and their requirements

More than that, it is not just psychology as an abstract concept that is there: flesh and blood psychologists must constantly worry about the need to comply with often contradictory resolutions, that is, to obey the demands of one side. Often one has to disregard another's demand. It is clear in the interview how much this can affect the quality of this service and also hinder the progress of the sentenced trial.

In this regard, another important evidence is the unpreparedness of these professionals to perform this work. According to Participant A, the university, even if it was flawed, did not have, for example, a specific discipline on this subject, which in fact

could be excessive, since it is a very specific work front. However, it would be reasonable to expect that the institution itself would provide some kind of training to do such an important and delicate work. The difficulties he had to go through are abundant in participant A's account, who, at various risks, sought alone for better training and emotional support.

The two main aspects pointed out as problematic come together in this speech by Participant A:

“You have to know how to deal with the questions that the judge asks you, the questions that the Defender, who is defending the sentenced himself, asks you too and the Public ministry. So you get in the middle of these three gentlemen who have to tell you what you have to do. What I did for that was just what? To study. I went after both law and psychology theorists to know how I would answer those questions.”

Another aspect that we were trying to answer by proposing this research seems to begin to clarify. At first we wondered if it would be possible for dialogue, in Gadamer's sense (see p. 4), to be possible in this particular situation in which they are sentenced and psychologist. It seems to be a little clearer that the answer would be negative, because how can we bring the necessary openness to dialogue in a relationship where both parties are under constant threat? The psychologist responding to the most opposing requests and the sentenced for the way the situation is constructed, also attached to a script that would benefit him. It makes this point quite clear by using this term, and one cannot help but ask ourselves: Are the two of them just following a make-believe script? If the goals and limits of this situation are so cast, how to build a meaningful understanding of the sentenced person's relationship to his crimes and life in society? In this case, the seriousness of our problem would prove even more severe: this action would only serve to ensure that, in the end, the responsibility for this person's life always rested with these professionals, bound by the bureaucracy of a fragile balance between opposing powers - and participant A realizes this dynamic quite implicitly.

This report may already point us to important questions and directions for our research. It seems to us that these professionals are subject to an unfavorable situation where their work can be questioned at any time by one of the regulating parties if they "get out of line".

The interview with A tells us that our concerns are part of the daily life of these professionals and, therefore, our research may bring a new look on this topic and, perhaps, propose a different way to give these relationships.

Interview with Participant B

Our second interviewee, participant B, aged forty-four, a female who graduated in psychology in 1996, joined the Secretariat of Penitentiary Administration of the State of São Paulo in 2001 at the Hospital for Custody and Psychiatric Treatment. This Unit has a particularity: Its detainees are subjects who have been subjected to a psychiatric evaluation and were considered unenforceable, that is, they cannot be held responsible for their criminal actions under the law due to some psychiatric disorder. This way, they are admitted to this hospital so they can get treatment. This implies that their sentences are not defined in the same terms as those of common justice and these individuals can only return to social life after authorization of the board responsible for their treatment. This means that in practice these people can be imprisoned all their lives.

Participant B says that his first experiences in the making of the reports were supported by the team in which he was inserted in order to preserve it, even though it meant a limitation of his professional freedom.

Participant B states that such "threats" came from the prisoners themselves and that some psychologists "even drifted away so that time could pass." She personally says that she did not suffer significant threats from the hospital's convicts.

Sometime later she was transferred to a Prison Unit in the interior of the State of São Paulo, this time a Penitentiary Unit, where there was no connotation of psychiatric treatment. She reports that in this unit she came across a regional judge who requested reports for most of the convicts who had the possibility of regime progression, and that there were also threats, but this time from the judiciary:

"[The judge] even made a veiled threat, I won't remember the words, although afterwards I wrote to talk to my mother and my sister to get a sense. So, in a way, he said there was a sentence and that if we did not comply, it could be considered contempt, something a little light, but we understood. So we had to make a lot of reports".

To get out of this relationship, she requested transfer once again and went to the Coordination of Social Reintegration and Citizenship, where she makes reports only as part of the Volante Team, where "both psychologists and social workers are available to be reporting in units that have no professional or failed to fulfill the ability".

It is important to emphasize that the Volante Team is made up of psychologists who volunteer for such a role, which is not their primary assignment. About this choice, she states that the main issue to feel uncomfortable with the exams is not necessarily its performance, but the conditions under which it does so: the context and the pressure of having to produce them constantly and in excessive volumes.

Another aspect addressed by her in her interview were questions that she raised regarding the participation of psychology councils in this context. On this topic, participant B states that:

"Look, I don't have much contact with the Council anymore. I think the council doesn't care much about us, so I feel like we don't have support. They don't go there, no matter how much we call. I already gave up a long time ago, there is no participation."

She reports that psychologists have already requested the presence of the Regional Council of Psychology to be aware of working conditions, but, according to her, "it ends up turning against us, because it has several problems".

Still on this topic, she continues, stating that the problem does not occur only within the profession of psychologist:

"Sometimes there are some discussions in the Council about the prison system but it was blah blah blah and nothing was done in practice, the same thing with the CREAS (Specialized Reference Center for Social Assistance), we always think that they are more involved, but the social workers themselves say they are not, so unfortunately we are alone."

It is important to note that participant B does not place Councils as institutions that pose some threat to their work, but only as a group that does not participate to assist in improving their working conditions.

Then we talk about his view on the proposition of questions posed by the judiciary. She states that:

"I put it like this:" apparently yes ", " probably ", so that's it, you can't put yourself totally, but I think, I'm a freer person, so I think things had to be from a more free form. I write the way I think. And if I don't want to answer some question as a psychologist ... it's not because it's a judge's determination."

She also says that she had her reports questioned by the judiciary when she sometimes answered the questions subjectively.

"It has happened, so much so that I had to change my reports somehow, because I am a very careful person, I am detailed, so I did huge reports, even that made me sick, because I had to go down and always thought that the report was horrible, but it's kind of how the people do, so ... "

Participant B explains the need to adapt, giving up an aspect of the essential human being to the look of psychology: the subjectivity of her, as a psychologist, as of the detainee, someone "lauded by her". Thus, implicitly, she shows her dissatisfaction with the lack of autonomy imposed on her knowledge by the judiciary and once again we can ask ourselves: What consequences could this have for the subjects involved in this dynamic? And what relationship does this psychologists have to their profession if their technical-scientific autonomy is not respected?

Participant B then tells us about how her relationship with the sentenced person occurs at the time of the Criminal Exam:

"I think it can bring benefit to the sentenced person, including because I see sometimes a lot of young boys arrested, until around 23, so that's because of drug addiction, so it ends up, I don't know, giving a mother, giving advice, which a psychologist shouldn't do, but I'm in such a different environment that I feel free to do it, so I think it might that this is not for everyone, it is not, because not everyone will seize that opportunity. Most will return to prison, but I have to do my part."

Here, once again, participant B makes it clear that the particulars of the Penitentiary System enables, allows, or even requires, to put herself in a way that is often contradictory to what would be expected of the psychologist as a professional. Rooted prescriptions about professional performance. By saying, for example, that "it ends up, I don't know, acting like a mother", it connects with the subject in a different way from that inserted in the tradition of psychology as a profession and science.

This aspect can also be attributed to a question of representation about Professional Culture in relation to its formation. The Professional Culture of the psychologist should be considered encompassing characteristics such as the history and ideology of the profession inserted in a tradition, the particularities of the professional formation, the social representation of the profession and the students of psychology courses (Bettoi, 2003).

Participant B makes strongly advocates on the importance of building a partnership with her professional colleagues so that some shortcomings in her training and in the institution's participation are overcome.

Getting stuck in the formats you consider appropriate could make your performance not relevant. So we must ask ourselves: what is the ethical limit of this "must adapt"? Would it be better if she had not been willing to do the Criminological Examinations, since she would have to give up the conceptions he considers fundamental? It seems that her answer is different: It is possible to act ethically even if we have to adapt to the demands of other powers so that we still have the possibility of achieving some kind of positive transformation in the reality of sentenced persons and in the participation of the profession

in this context. Participant B makes it clear that she can find wealth in these relationships and thus develop her work always in partnership, with the support of those who have the same difficulties and those who have more experience: "What stands out is the relationship with the colleague, the discussion, that's what I found most positive. "

Interview with Participant C

In her interview, participant C, a forty-eight-year-old female psychologist who graduated in 1993, begins with a strong sentence that questions the fundamentals of the functioning of the Penitentiary System: "The best Criminological Exam is one that doesn't exist." And from the outset, it takes a critical view of the tension between the prescriptions of the Psychology Councils and those of the Judiciary regarding the conduct of the Criminological Examinations

She makes her position clear with respect to the Federal Council and its resolution CFP 012/2012, the same as we already commented in the interview with participant A, which he even took a public position to the Psychologists Union:

"Consider that the Psychologists Union, because they are all one political group, the " Care for the Profession ", the union was speechless, it just kept quiet, because I consider it to be a serious union problem and that put the psychologist in a very delicate situation, which is why I was opposed to the resolution."

More specifically about the Criminological Examination and its implication in the functioning and functioning of the Penitentiary System, participant C questions its validity and relevance for understanding the situation of the sentenced: According to her, the Criminal Examination serves to fill a flaw in the construction of the prison model, which should evaluate this subject throughout his imprisonment process and aim to assist this individual.

"The right thing would be for you to have professionals to handle the care, and there would be no need for a Criminal Exam if the care worked in a way that could have records of the care, that could have care that was in favor of the need of the prisoner, so we you are talking about something very complex in terms of service. If there were at least that there would be no need for a Criminal Exam. By the time the process for granting benefit (regime progression) would be in there would be the report on that person, on the activities that were done, as this person is at the moment, then it would be something else."

Participant C then makes it clear that she does not understand this situation merely as an administrative failure, but rather as the very intention of the Prison System:

"But I consider that the fact that it does not happen is an institutional matter, after all the arrest is made for segregation has no other function. This resocializing function is a deception, and this "resocializing" function also denies what prison is and denies society's participation in the behavior of the individual. So it is extremely simplistic and reductionist to see it that way."

Having made clear her position on the institutional and political issues involved in this practice, participant C tells us that psychologists need to view this reality in an empowered and ethical manner and that the realization of these reports is necessary within the reality of this context. The problem according to participant C is not the Criminological Examination, but all the dynamics surrounding the need to put psychology in this role.

"Now, on a daily basis, I do Criminological exams, I have a pile of processes, and then in psychology, of course, we use criminology a lot, but also, when you have the interview, if we have to do I don't want to put the weight on this exam by saying that the problem with psychology is the exam. The problem is psychology in prisons. Prison is the problem. "

Participant C makes clear her position with regard to her autonomy from her reports. Although she recognizes the pressures suffered by professionals to perform the reports in a certain way, often through questions, she reaffirms the autonomy of the technical professional and her independence supported by her particular knowledge.

Thus, for participant C, the psychologist must be based on his or her theoretical and practical knowledge in order to perform the exams from an ethical posture, thus creating the possibility of facing questions that could turn his or her reports into mere reproducers of a system that excludes this trapped subject. She suggests, therefore, that this theoretically supported resistance would bring about the possibility of creating a dialogue between these competing forces, a dialogue created in tension.

"And another, the posture that comes from the theoretical basis of the psychologist. One of the criticisms that is made of psychology to do the Criminological Examination is that it is a positivist psychology. Really. And in the Penitentiary System has already been given a lot of training for psychologists so that they can think in another direction, think the prisoner as a person and think the prisoner as a person is to do the

Criminal Exam in a way that does not make us terrified by how much examination it has to do. Because you may miss the opportunity to engage in a psychological interview relationship that is the instrument of our evaluation. It is not the person you are evaluating if you treat it as an object. So I also have to keep policing myself. have to deliver in 30 days, "I always break deadlines and I do a lot of bursting. No one needs to break the deadline as I do, that's not it, but we need to start talking about to force a dialogue."

We can thus see that participant C relies on her theoretical decisions and the paths she chooses to formulate her reports. It is clear, therefore, that the choices on how to proceed in this practice can and should be from acting psychologists - and that technical freedom must be respected. And once again she states that the problem for the psychologist in the Penitentiary System is not the Criminal Exam, but the institution as a whole, immersed in a historical construction, as well as its own formation. She views the criminological examination as part of a larger institutional issue and finds ways to deal with it in a way that is grounded in his technical freedom and theoretical underpinning. In such an extent, participant C does not see the proposition of issues as an isolated problem that would prevent achievement of an ethical work.

Participant C makes a very broad and in-depth institutional assessment. We can note that he questions this issue on a recurring basis and that she is not just reacting to the questions posed by the interviewer. She already has previous reflections on this issue and its implications. It is noteworthy that she perceives flaws in the performance of psychology in general and is quite implicated in the subject actively and once again brings to psychology the responsibility to deal with the difficulties presented by the institution:

"There's a lot for psychology to research. We don't have studies on the impact of prison on the individual, we don't have studies on the impact of incarceration on test results, we need it. This is why I tell you, in my view the issues themselves are difficult to answer, but you will respond according to your science and the purpose of that assessment and according to the theoretical approach that guides you. So when I see cases of pathology that is associated with the offense, for example, of a case of a 60-year-old man who had already killed two former women, he has a serious issue and it was very clear that if he married a Third ... at the time I interceded at the time, but these are easy cases to do, but most of our cases are not so, are common prisoners who do not have a greater commitment. We have to have more conviction in our work, more autonomy. "

When talking about the issue of training, both inside and outside the institution, she makes clear her position that the Penitentiary System should approach the universities so that there was a greater interest of these professionals.

Participant C points to something that may already be forming as some kind of resistance from psychology. In saying that there are judges requesting psychiatric rather than psychological evaluation, makes us think that psychologists have faced such a situation and are not always willing to respond to judicial demands unthinkingly. Despite bringing this aspect that seems positive to us in the development of psychology, the issue of dialogue between psychology and the judiciary about the life of the detainee, This situation also makes us think that psychology still needs to move towards imposing its autonomy and that it is not enough to replace it with other knowledge so that the problem can be overcome.

On its relationship with the sentenced at the time of the examination, participant C also tells us that sometimes she feels the need to do some kind of intervention, that is, he does not see that moment just as fulfilling a request to evaluate the individual, although, as she says, there is no support for his intervention to have some continuity or support.

Criminological Examinations as Mediational Means

Wertsch (1998, p. 25) develops ten propositions with regard to mediational means, from which we will select six that especially relate to our research problem, namely: (5) mediational means restrict at the same time as they allow action; (6) new mediational means transform the mediated action; (7) the relation between agents and mediational means can be characterized in terms of domination; (8) the relation between agents and mediational means can be characterized in terms of appropriation; (9) mediational means are frequently produced for reasons that do not necessarily favor the mediated action; (10) mediational means are associated with power and authority².

We will now attempt to conceptualize the criminological examination from each proposition, in order to broaden our understanding of our object of study. The participants in our interviews will be called A, B, and C.

Criticism in relation to the form the criminological examination currently assumes must be considered cautiously, which is to say we cannot assume that its extinction would solve the problem of psychology in this context, as C affirms. The limitations found by the psychologists working with this “cultural tool” must also be considered as a reflex of the limitations of the institution and the tradition it participates in. Developing new forms of work using new mediational means can overcome some problems and create others, as Wertsch affirms:

When trying to develop new cultural tools, the focus naturally tends to be on how they will overcome some perceived problem or restriction inherent in existing forms of mediated action. However, one of the

points that follows inescapably from the view of mediated action I am proposing is that even if a new cultural tool frees us from some earlier limitation of perspective, it introduces new ones of its own.

(Wertsch, 1998, p. 39)

Another important aspect, noted by the three participants, shows that the criminological examination does not necessarily enable the completion of the task in the most efficient manner possible, but acts as a cultural tool that responds to the historical, political, and power relations demanded by this institution.

In many cases, however, the reason for using a cultural tool is not so simply tied to superior levels of performance. Instead, the use of a particular mediation means is often based on other factors having to do with historical precedent and with cultural or institutional power and authority. (Wertsch, 1998, p. 42)

This does not mean that change is undesirable. As Wertsch affirms, new mediational means, in this case new forms of criminological examinations, could transform and unsettle action as a whole, bringing different results and perspectives, perhaps closer to our notion of dialogue. Changing the mediational means can be a way of transforming not only the action but also the agent – the psychologist.

Regardless of the particular case or the genetic domain involved, the general point is that the introduction of a new mediational means creates a kind of imbalance in the systemic organization of mediated action, an imbalance that sets off changes in other elements such as the agent and changes in mediated action in general. Indeed, in some cases an entirely new form of mediated action appears. (Wertsch, 1998, p. 43)

Moreover, even if the action frequently seems to be the same, the transformation of the mediated action can reorganize in a significant manner the roles of the agent and of the tool itself. Action generally serves multiple purposes, which may be in accord or in conflict with each other (Wertsch, 1998, p.32). We may consider that such a situation presents itself, for example, when the interviewed psychologists make use of the criminological examination to perform interventions they consider important for the life of that person, which may not necessarily affect the results of the examination with regard to sentence progression:

In certain important respects, an action may be the same, but the systemic organization of agent and cultural tool often ends up being

quite different, indeed so different in some cases that controversy emerges as to whether or not the same action is being executed.

(Wertsch, 1998, p. 46).

Another of Wertsch's propositions that can help us understand the relation the psychologists have with the examination says that the relation of the agents with the mediational means can be characterized in terms of domination. We can then ask ourselves which paths these professionals choose to take to dominate not only the instrument, but also all the opposing forces in this context. To Wertsch, these "abilities" develop with the use and action of the mediational means. The interviewed psychologists make this clear when they report the large diversity of paths they took to dominate this task.

In discussing the materiality of mediational means, I touched on the issue of an agent's skills needed to use these tools. My point was that such skills emerge through the use of mediational means. From this perspective, the emphasis is on how the use of particular cultural tools lead to the development of particular skills rather than on generalized abilities or aptitudes. (Wertsch, 1998, p. 46)

The psychologist must still appropriate this action. Still according to Wertsch, this does not happen through a simple choice, since appropriation happens according to the tools we have at our disposal to effectuate the action in a socio-cultural context.

(...) by using the cultural tools provided to us by the sociocultural context in which we function we usually do not operate by choice. Instead, we inherently appropriate the terministic screens, affordances, constraints, and so forth associated with the cultural tools we employ.

(Wertsch, 1998, p. 55)

It is important to distinguish clearly appropriation from domination. Participant C does this by saying, for example, that sometimes a psychologist must "deconstruct" reports from other psychologists, since these reports are in some way inserted in a rigid model. Trying to explain her argument, participant C claims that:

In some situations, I take some exam, for example, and it gives the impression that the psychologist wants to write as little as possible so as not to compromise himself. And then sometimes I'll evaluate the same guy a few years later, if I have a previous exam, I look and say "wow, I will have to deconstruct this exam". When they proposed the withdrawal of the Criminal Exam I was very close in this management of the

Institution. It was for the following purpose: to take this from the hand of the prosecutor to further widen the exit door of the System.

A psychologist who knows exactly what to write in their report to avoid reprimands from any of the powers involved in this transaction may have dominated this mediational means, but this does not mean they have appropriated this means, in the sense of exercising some degree of autonomy in their practice. It is a tool, but it does not belong to them. Participant A, who demonstrated the greatest reticence with respect to these power relations may fit in this model to some extent.

(...) it is worth noting that in many instances higher levels of mastery are positively correlated with appropriation however, this need not be the case. Indeed, some very interesting forms of mediated action are characterized by the mastery, but not by the appropriation of, a cultural tool. In such instances of mediated action, the agent may use a cultural tool but does so with a feeling of conflict or resistance. When such conflict or resistance grows sufficiently strong, an agent may refuse to use the cultural tool altogether. In such instances, we might say that agents do not view the cultural tool as belonging to them.

(Wertsch, 1998, p. 56)

Here we must introduce more properly the concept of “appropriation”, which Wertsch took from Bakhtin (1981) to illustrate the relation between agents and mediational means:

In addition to being characterized by level of mastery, the relationship of agents to mediational means may be characterized in terms of “appropriation. In most cases, the process of mastering and appropriating cultural tools are thoroughly intertwined, but as I illustrate here and in subsequent chapters, this need not be the case. The two are analytically and, in some cases, empirically distinct. (p. 53)

Wertsch then defines appropriation as a process that “implies taking something that belongs to others and making it one’s own” (Wertsch, 1998, p. 53). Different from domination, appropriation allows a person to make use of a cultural tool in a conflictive and resistant manner, which may compromise the agent’s performance with the mediational means:

It is worth noting that in many instances higher levels of mastering are positively correlated with appropriation. However, this need not be the

case. Indeed, some very interesting forms of mediated action are characterized by the mastery, but not by the appropriation of, a cultural tool. In such instances of mediated action, the agent may use a cultural tool but does so with a feeling of conflict or resistance. When such conflict or resistance grows sufficiently strong, an agent may refuse to use the cultural tool altogether. In such instances we might say that agents do not view that cultural tool as belonging to them. (pp. 56-57)

Another of Wertsch's important propositions for understanding the relation between psychology and the criminological examination states that the mediational means are frequently produced for reasons that do not necessarily benefit the mediated action. As the participants clearly note, the criminological examination, in its current format, is frequently answering to institutional issues that do not concern the convict or the person who evaluates them. Participant C realizes well such movements when they report a failed attempt, by the Department, to extinguish this action:

"When they proposed to abolish the criminological examination I was really close to the department management at the time. They had the following intention: they wanted to take this instrument from the prosecutor's hand, to widen the System's egress. This was clearly their intention. The justification was that the reports were poorly done... the thing is, the prosecutor will get our report and see where he can find something to deny the benefit. The secretariat for Prison Management doesn't have control of the way out or the way into the System, and the way in is large and the way out is narrow, and so there's this swollen thing to manage. That's when the management said, well, if you remove the criminological examination you remove one of the instruments the judge uses to deny the benefits and you increase the egress rate."

To understand the mediated action we must consider these socio-cultural aspects. In other words, the mediational means do not necessarily serve the purposes of the ones who perform the action.

One of the biggest problems that arises from examining mediated action solely from the perspective of consumption is that cultural tools tend to be viewed as emerging in response to the needs of the agents consuming them. This involves a kind of reductionist perspective that assumes that the mediational means we employ are designed to facilitate the forms of action we wish to undertake. (Wertsch, 1998, p. 58)

Wertsch states additionally that our tools often do not serve the purposes they were initially designed for. Our interviewees realize this when they say, for example, that the criminological examination serves precisely to maintain prisons functioning as we culturally believe they should: designed to exclude and isolate convicted individuals. As it is, the criminological examination can hinder the very purpose it was originally designed for, namely:

Most of the cultural tools we employ were not designed for the purposes to which they are being put. Instead, they often emerge in response to forces that have nothing to do with the ideal design of a mediational means. In a sense, one could say that we are in a position of always "misusing" poles, words, patterns of speaking and thinking, and so forth in carrying out our actions. Indeed, in many cases we may be trying to speak, think, or otherwise act by employing a cultural tool that, unbeknownst to us, actually *impedes* our performance.

(Wertsch, 1998, p. 59)

Finally, and again according to the reports³ from the participants in the interviews, Wertsch indicates we cannot disassociate the mediational means from the power and authority relations involved in the mediated action.

When trying to account for power and authority, perspectives that focus on the agent obviously have great appeal. However, by not taking the role of mediational means into account, they come up short in at least two respects. First, such accounts overlook ways in which the emergence of new cultural tools transforms power and authority. It is not as if cultural tools, in and of themselves, operate as independent, causal factors, but they can have a potent effect on the dynamics of human action, including the power and authority relationships involved in it. (Wertsch, 1998, p. 65)

The criminological examination is both a product and a generator of power relations. Wertsch illustrates this with the birth of the press, which caused a reorganization of the powers in society. In the same way, we can face the criminological examination as a mediational means that reorganizes and directs the power relations in the corrections system.

This notion enables us to understand the socio-cultural aspects involved in our research problem and avoid interpreting the phenomena solely as a struggle between individuals in opposite sides of a dispute of interests. Continuing the previous citation:

Instead of engaging in endless arguments over whether it is *either* the agent *or* society that really exists and is the foundation of power and authority, a focus on mediational action and the cultural tools employed in it makes it possible to "live in the middle" and to address the sociocultural situatedness of action, power, and authority.

(Wertsch, 1998, p. 65)

DISCUSSION

Final Considerations and Questions

"Any more vivid expression in the face of the actor, to whom all eyes are turned, in an important scene, is unconsciously copied by the spectators." (Dickens, 2002, p. 91)

The goal of our research, as mentioned above, is to understand how the relations between psychologists and convicts take place in the context of the criminological examination. We believe that the concepts of copy and repetition – together with the concepts and theoretical perspectives previously discussed – will assist us.

With the interviews shown above, we were able to clarify and gain new perspectives on our initial questions and hypotheses concerning the difficulties identified in the process of writing reports for the judiciary system.

The participants expressed the need for autonomy in the elaboration of these reports, since they have little, if any, specific training for the task. They all declared having to search independently for theoretical references to ground their conclusions. This might have interesting consequences: could the individual search for an 'adequate' way of performing the examination bring some 'theoretical richness' to this practice? We did not have access to the reports, but investigating them would certainly be interesting and hopefully show a constructive diversity in this practice, but this is outside the scope of the present research.

In the course of the interviews, we could see that, even though they struggle to maintain their autonomy, these professionals often feel trapped, since they respond to requests from the Councils of Psychology and the judiciary and must pass inspections by the same institutions. Besides this, the requests they receive are often contradictory.

The psychologists' commitment to their practice is evident, but institutional characteristics and policies restrict their liberty. The interviews showed us that this is also for their own protection; we found that some psychologists were being sued by the Regional Council of Psychology on ethical grounds. The Judiciary System, also, gave some of them severe reprimands for failing to attend requests, such as answering certain questions in the reports.

The concepts of copy and repetition are useful to understand this phenomenon. Sampaio and Simão (2015), in a chapter of the book *Temporality: Culture in the Flow of Human Experience*, discuss how these concepts are developed in the performing arts, in their relation with action through time.

We've come to the following question: are the psychologists in the correctional system in some way compelled to think and work by the standards of the copy, which would not focus on the process, but only on the object of the action, as opposed to the repetition, which always brings novelty in its resignifications?

Sampaio and Simão (2015) address the possible intersections between the performing arts and psychology. They do not focus on psychological practice. We believe, however, their considerations are useful to us, despite the distance from our specific subject. We must now define the concepts of copy and repetition in a more precise manner.

Sampaio and Simão state that:

In this perspective, understanding repetition as a part of the theatrical phenomena requires one to understand the difference between a copy and a reproduction. A copy aims to become identical to the original: the person in the act of copying aims for the possibility of having the original recognized in the copy. Thus, the person who copies tries to ensure that the copy is able to invoke in themselves and in others that which lead the person to copy (that is, the original piece). Thus, the copycat does not seem to show any interest in establishing any form of authorial process in relation to the work of art. Rather, they show interest for the object that is being copied. It seems that the most important thing for the copycat is showing technical ability in the creation of the copy. (Sampaio e Simão, 2015, p. 385)

As we can see, the copycat wishes to dismiss any kind of authorship in relation to their 'product', in our case the criminological examination. The person would then be 'protected' under certain non-authorial neutrality, making exclusive use of 'technical skills' in order to decide on the fate of the other. The resulting workpiece is not authorial, as is made clear by Sampaio and Simão:

"The copycat, therefore, is not searching to build, as in repetition, a story with a past moving towards a future beyond reach, but rather to build the means to approach as much as possible (to fully reconstruct) an experience from the past that has frequently never been lived by the copycat. This means that the contact this person has with the past, with the original work of art, does not aim for any substantial transformation of the present in which the copy and the copycat "live in". The copy

does not establish any form of conflict with the origin of something inside the arts or history and, therefore, besides technical questions in the act of copying, does not force the person to face any type of barrier or frontier (Boesch, 1991) that may cause any type of reorganization of their potential for symbolic action ". (Sampaio and Simão, 2015, p 386)

So the attempt to produce a copy of something (which is always an attempt, since the 'pure' copy is not possible), avoids the presence of conflict, an essential aspect for the transformation and emergence of novelty. The person, therefore, does not face the barriers and frontiers theorized by Boesch (2007). The barrier is an obstacle which, once surpassed, does not essentially transform the action; the frontier shows itself as a separation of two areas which are distinct in their possibilities and peculiarities, therefore demanding an adaptation of the action. In other words, the copy would not leave space for these movements. The repetition, diversely, enables the emergence of novelty and new forms of action:

"Repetition, understood here as an original piece, represents the possibility of the process (the work) being presented in different manners, including improvisation, as a change inherent to the festive character of the phenomenon. The person, in repeating the performing arts, is ready to handle, for example, the unpredictability of the outcomes of the presentation. Two representations of the same theatrical piece will always be two different presentations of the same piece. Therefore, the symbolic actions performed by the creative person while repeating their creation are, in some way, constantly focused on the dimension of something that cannot be understood – alterity in its essence". (Sampaio and Simão, 2015, p. 389)

To interpret, study or create the phenomenon in the direction of novelty, the copy must give way to the repetition. In it, the artist, researcher or psychologist must be available for the unpredictable character of the process and of the other.

In our interviews, we could see that the psychologists frequently alternate between these two forms of apprehending knowledge: at times, they make use of the copy to preserve themselves; at others, they allow themselves to face novelty through a repetitive action.

Such aspects prove to be relevant also when we consider the Humanities in a broader sense. In the relations between the evaluated person and the evaluators in the correctional context, these professionals must formulate a text – departing from the interaction with another person – containing enough theoretical aspects to ground whichever position they assume. This shows the ethics of the research and the ethics of their practice are inevitably connected.

Our research also brought forth the following issue: how far does the autonomy and confidence of the psychologist go, when he must “sign under” his perceptions and theorizations, without him having to worry about the disputes between two powers both willing and prepared to punish him? Participant C is quite confident in this respect, but the reports of A and B clearly show another side to this.

Our conclusions lead us to an interesting answer: these professionals rarely differ with respect to the ethics of their practice; they are constantly trying to adapt their theoretical and technical perspectives to the diverse fields of demands they face. They consequently act in very inventive ways, even if at times they naturalize their limitations and adversities. Although they frequently try to defend themselves hiding behind a supposedly authentic copy of a reliable process, they still more often allow themselves to occupy a place of singularity and conflict and develop their ideas in an action field.

Art, therefore, helps us think the model of the Humanities and its application in diverse areas. As Gadamer states, creating a comprehension is vital if we want to grasp fundamental concepts that, as in art, cannot simply be copied in their image:

In my own efforts to develop a hermeneutic philosophy, I sought to validate art's vindication for truth and show its significance to the Humanities. Together with this, among other things, I have also attempted to refute the idea that the artistic image is a mere copy of something. (Gadamer, 2006, p. 58)

In art as in psychological practice, the experience of the action does not come from the copy, but from the possibility of revisiting the same phenomenon in a singular manner, allowing the emergence of novelty and facing the conflicts that will stimulate our relations and theoretical constructions. As in the arts, perhaps we should allow ourselves to be more absorbed by the phenomena we face, letting ourselves delay the moment of action a little and give space for what the other may offer us. Gadamer illustrates this process in a very poetic manner:

An art experience is like this: it is not a mere copy of something. Instead, someone is absorbed in it. It is another tarry that waits and preserves in such a way that the work of art allows itself to come before what is as something that we have done. Once again we can hear the language: we say that what comes next is "addressed to us" then the person to whom something was addressed is as in a conversation with what is presented. This holds true when we see a work of art, just as when we hear or read a work where someone takes the work of art. To tarry is not to waste time. Being in the tarry mode is like an intense back-and-forth conversation that is not interrupted but lasts until it is closed. His totality

is a conversation in which, for a while, one is completely "engrossed in conversation," and that means that someone "is completely in there.

(Gadamer, 2006, p. 71)

Increasing technological developments pose questions to modern woodworking. Will craftwork eventually be substituted, and even overcome in quality, speediness, and efficiency by machine work? Many traditional woodworkers are quick to answer negatively, that the *quality* of the craftsman's work will never be surmounted by machines and that these will never be able to reproduce the poetics of the manual work because, among other things, human work has flaws that are an essential part of the product's beauty. Considering this subject in the terms we have been discussing, we could say the machine is only able to copy a concept, but never repeat it in a resignified and dialogical manner.

Let us suppose for a moment that machines eventually do become capable of replicating even this diversity in a project, producing in a random manner the nuances and small flaws that make the beauty of manual work. Could this put an end to the importance of handcraft?

We believe it would not, for the following reason: the process is also a part of the product. Even if, for the sake of discussion, machines do learn to produce in a poetic and reflexive manner, the final result should not be the sole target of interest. The beauty of an object is also in the perception that it is the result of an arduous and meticulous work. This is seen in the artisan's care with his tools, his caution not to get hurt, and his insistence in using a certain technique that is sometimes more complicated and slower than another that would not allow him to feel the texture or smell the scent of the wood. The history of the action matters. This history carries with it a tradition, a revisited historical context and a pleasure in the work.

Our research aimed to answer the following inquiry: How are the I-other-world relations between psychologists and convicts of the correctional system depicted in the context of the criminological examination, and what are their consequences? The following illustration may help us to understand our research problem, with the data collected from the interviews and the theoretical perspectives we brought forth to support our inquiries.

The psychologists of the Department of Corrections Management who perform the criminological examination realize in their daily routine the importance of approaching their task in a dialogical manner. In their own way, they respect and at the same time subvert the cultural and historical aspects that compose this tradition. Like the woodworker, who understands the importance of the process, or like the stage artist, who sees in repetition the possibility of always creating something new, these psychologists do not aim only at reaching the expected results. On the contrary, they see the task of writing the reports and facing the difficulties imposed by the judicial power, the psychology councils, and the prison warden as an opportunity to improve their profession and the lives of the convicts, precisely by means of the tensions created in this *process*.

If our intention with the present research was, besides developing a comprehension of such relations, to propose a more dialogical manner of performing the criminological examination, we can say this is already happening with some intensity. All the interviewed psychologists, and apparently their colleagues as well, are in the constant pursue of formulating new knowledge that may aid them in dealing with the tensions they find – some certainly more than others. We may likewise say that, even if they find more often than not limitations to the dialogue in the relation with the convict, due to personal, theoretical, or institutional issues, they strive in some manner to encounter the person before them.

Surely, personal, institutional, historical, and cultural issues limit their actions. We can note as well that the particularities of the criminological examination frequently serve to discharge the psychologist of any responsibility. The path to diminishing these problems may lie in a greater understanding of the importance of these dialogical relations. Tradition, for Gadamer, is not static. Its definition always involves movement, tension, and the emergence of novelty. In this way, understanding the criminological examination as part of a specific tradition may be the path to make use of it in an ethical manner. Denying its importance and refusing to participate in this action can bring precisely the opposite effect, perpetuating its use as a punitive tool, trapping psychology in a constant copy of itself.

At this point, it seems appropriate to reintroduce the concept of *Bildung*, a process of knowledge acquisition that provides a “way out and back in ourselves again” transformed. As Bettoi, Gadamer defends the importance of regarding knowledge acquisition beyond the notion of the *self* as an isolated entity. According to Simão (2005, p. 555), “*Bildung* involves the ideas of knowledge acquisition, education, instruction, and personal intellectual culture”

Knowledge acquisition, as an action and transformation process, occurs in the encounter with the other. In our research, we asked ourselves how the psychologist’s professional and educational background influences his work and, also, how could new knowledge enable the emergence of novelty in the psychologist’s horizon, directing them towards a less rigid and limiting practice. We believe that acquiring knowledge, in these Gadamerian terms, grounded on dialogue and sharing, would be a very profitable path, since it enables questioning assumptions (Simão, 2005).

So, from our interviews, can we say that this type of knowledge acquisition is present in the lives of the psychologists who work in the corrections system performing criminological examinations?

We will risk answering this question, as well as venturing to anticipate the next possible steps in our research. From what we were able to understand from Wertsch and Bettoi, the process of *Bildung*, as well as dialogue in Gadamerian terms, cannot be present in all our interactions. We must seek it through an open attitude when taking an action. Our research shows that these psychologists are in fact reflexive agents, available to grow with conflict.

Bettoi (2003) makes it very clear, and so do the participants in our research, that psychologists search for dialogical relations in their social circles. The effort to establish such partnerships is an essential part of their professional education, both inside and outside the university. He shows us still that the great diversity of educational backgrounds and theoretical perspectives among these professionals is partly responsible for this great tensional richness. In the context we have studied, adversity enables these professionals to develop themselves.

Wertsch (1998) calls attention to yet another fundamental issue: the mediational means (in our case, the criminological examination) do not necessarily serve their intended purposes, whether they are the purposes of the agents who use these means or the purposes the means were originally designed for. At first, this sounds problematic, but listening to the psychologists, we found this opens new possibilities. The pressure these professionals face from different sources leads them to an active and engaged attitude. We noticed they are constantly striving to bring the other to the dialogue. The possibility of transformation that results from this approach is what we were able to anticipate as the most positive aspect of this situation.

Our research certainly left many questions unanswered, but we do not believe this is a problem. On the contrary: these questions can open new paths for dialogue in this particular field of tensions. An interaction that begins with a display of certainties will never be dialogical and will always remain trapped in a confrontation where the side with the greatest power has the last word.

Footnotes:

1. This concept will be further discussed throughout the text.
2. We decided to enumerate Wertch's propositions starting from number five in order to follow the same numbers as on the original work.
3. As a technical term, "report" is necessarily interpretative. It is not the same as "verbalization"

REFERENCES

- Bakhtin, M. M. (1981). *The dialogic imagination: Four essays by M. M. Bakhtin*. Ed. M. Holquist; trans. C. Emerson and M. Holquist. Austin: University of Texas Press.
- Bettoi, Waldir. (2003) *Natureza e construção de representações sobre a profissão na Cultura Profissional dos psicólogos*. São Paulo, 2003, 273p. Teses (Doutoramento). Instituto de Psicologia, Universidade de São Paulo.
- Boesch, E. E. (2007). *Discovering cultural psychology: a profile and selected readings of Ernest E. Boesch*. Charlotte, N.C.: Information Age Publishing.
- Davey, N. (2006). *Unquiet Understanding: Gadamer's philosophical hermeneutics*. New York, N.Y.: State University of New York Press.
- Dickens, C. (2002). *Um conto de duas cidades [A Tale of Two Cities]*. São Paulo, S.P.: Editora Nova Cultural.
- Foucault, M. (1995). *Discipline & Punish: The birth of the prison*. [Trans. A. Sheridan, 1977.]. New York, N.Y.: Vintage Books.
- Gadamer, H.-G. (2006). *Artworks in Word and Image: 'So True, So Full Of Being!' (Goethe) (1992)*. *Theory, Culture and Society*, 23(1): 57-83.
- Gadamer, H.-G. (2008). *Verdade e método I: Traços fundamentais de uma hermenêutica filosófica*. Petrópolis, R.J.: Editora Vozes.
- Sampaio, J. C. de C., & Simão, L. M. (2015). Repetition, duration and persistence: Temporality in the Performing Arts. In L. M. Simão, D. S. Guimarães, and J. Valsiner (Eds.), *Temporality: Culture in the Flow of Human Experience* [pp. 381-441]. Charlotte, N.C.: Information Age Publishing.
- Simão, L. M. (2005) Bildung, culture and self: A possible dialogue with Gadamer, Boesch and Valsiner? *Theory & Psychology*, 15(4), 549-574.
- Simão, L. M. (2010). *Ensaios dialógicos: compartilhamento e diferença nas relações eu-outro*. São Paulo: Editora HUCITEC.
- Simão, L. M. (2016). Culture as a Moving Symbolic Border. *Integrative Psychological and Behavioral Science*, 50, 14-28.
- Taylor, C. (2002) Gadamer on the Human Sciences. In R. J. Dostal (Ed.), *The Cambridge Companion to Gadamer* [pp. 126-142]. Cambridge: Cambridge University Press.
- Valsiner, J. (2012). *Fundamentos da psicologia cultural: mundos da mente, mundos da vida*. Porto Alegre, R.S.: Artmed.
- Wertsch, J. V. (1998). *Mind as action*. New York, N.Y.: Oxford University Press, Inc.

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