

Prison Subjects: appointments and effects of meaning

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Abstract:

This article analyzes different ways of nominating that the Brazilian prison system establishes to mention the subject that lives in a freedom deprived prison system. Furthermore, we are mainly guided by the theoretical basis of the French Discourse Analysis, in an attempt to understand the meaning effects that arise from each lexical choice. The focus is on the Extension Project of the Law Course at the University of the West of Santa Catarina entitled “Law and Jail - Remission by Reading”, established and supported by the Criminal Execution Law (BRAZIL, 2011), Recommendation n. 44 (CNJ, 2013), Guiding Principles of the National Guidelines for Education in Criminal Establishments (BRAZIL, 2010) and the State Prison Education Plan 2016-2026: Education, Prison and Freedom, Possible Dialogues (SANTA CATARINA, 2017). Thus, these normative frameworks for Education in Prisons in Brazil and in Santa Catarina are analyzed discursively, regarding the nomination of the subjects behind bars, seeking to understand the implication of making sense in the discursive processes of the nominations on law textuality choices. Through the linguistic analysis of the *corpus* materiality, there are signs of how the nominations are marked by power structures, rooted, crystallized and naturalized in society, which are perpetuated for centuries.

Keywords:

Subject. Nomination. Brazilian prison system.

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INTRODUCTION

It is essential to formulate a counter-imaginary who opposes this insane imaginary of a society.
(MBEMBE, Achille)²

The history of humanity is permeated by the meaning effects of nominations and by the imagery that is built around the way of naming someone. Some Biblical records call our attention for the exchange, for instance, of the name of Saul – born in Tarsus, a Roman soldier and a relentless persecutor of the Christians – by the name of Paul when he changes his life by becoming a follower of Jesus Christ³. The study of the proper name⁴ constitutes, until now, a complex point for language studies, especially when the focus is on the relation of the name and its linguistic *status*, whose function rests in the mediation between the referent, the meaning and a singular identification. Advancing a little more, it is known that naming by the proper name is one of the ways of individualizing the subject; another of these forms would be the nickname as a way of naming the subject from a supposed specificity, sometimes qualifying it, others disqualifying it from the social imaginary. In addition to these more particular forms, there are other nominations that, by grouping the subjects, name them more collectively, constructing attributes to a certain univocal body

¹ Translation by Caroline Chioquetta Lorenset, PhD in Applied Linguistics from Universidade Federal de Santa Catarina.

² Available at: <http://bit.ly/2XwzGTO>. Recovered: 15 Sept. 2018.

³ Even though the Bible itself carries the inscription in footnote “Saul was a Hebrew name; Paul was a Roman name. It was the custom of the Jews of that time to have two names, a Hebrew and a Roman.” (Acts 13:1302), it is seen that in Acts of the Apostles, as a relentless persecutor of Christians, Saul was appointed (Acts 9:13), and after the passage of Saul by Damascus and subsequent follow-up to Christianity, the biblical text will only bring the name Paul (BIBLE, 2011, Acts 13:13).

⁴ To think of one’s own name is to face up to a dense theoretical question, crucial and of intense debates in the area of semantics. We are above all based on the theoretical presuppositions of Semantics of the Event. “The proper name of the person” (GUIMARÃES, 2005, p. 33-42) is a reading that contributes to this debate and reflection. We agree with the author quoted to understand that the proper name of person has its history, in a configuration of the enunciative space of a language, “works the identification of the individual who is named, without himself having chosen his name” (p. 42).

from the superposition of several other bodies, and this is the way of naming that we wish to dedicate our work to.

More specifically, our question rests on the forms of appointment of the subject deprived of liberty who spends part of his life in prison. This study proposes to reflect upon effects of meaning that are at stake in the different appointments that these subjects receive and what is in tension when these subjects lose identification by the proper name that identifies them, and they are identified by a number within a numerical continuum system.

Thus, in the context of the theoretical framework of Discourse Analysis of French affiliation in dialogue with the Semantics of the Event⁵ and with the History of Linguistic Ideas⁶, this article aims to reflect upon the question of the nomination meaning in the prison system and, in particular, to analyze the language in the process of constitution of the subject and the meaning of the appointment within the walls of the prison in its relation with the memory and with the discursive functioning socio-historically constituted. It is from the meanings mobilized by discursive memory that we bring the meaning of the functioning of language into question by the way in which the subjects who are imprisoned are mentioned in the normative frameworks for Education in Prisons in Brazil and in Santa Catarina. In other words, specifically regarding the appointment of these subjects, we are interested in questioning how the linguistic aspects are mobilized in order to produce a certain identity of the prisoner subject and to verify whether and how this identification affects the constitution of the subject itself inside the prison.

We took as *corpus* to be analyzed the Extension Project of the Law course of the University of the West of Santa Catarina - Unoesc Xanxerê, entitled “Law and Prison - Remission by Reading” and the prisoners deprived of the Regional Prison of Xanxerê, Santa Catarina. The project has been promoted and supported by the Criminal Execution Law (BRASIL, 2011), by Recommendation no. 44 (CNJ, 2013), the Guiding Principles of the National Guidelines for Education in Criminal Establishments (BRASIL, 2010) and the State Prison Education Plan 2016-2026: Education, Prison and Freedom, Possible Dialogues

⁵ This theory considers, according to Guimarães (2018), that the meaning of the word is not fixed, nor is it reduced to a concept or definition; it is constructed in the statement, in the text that it integrates, in the relation between the event in which it works and its memory of enunciations. The Semantics of the Event “maintains a decisive dialogue with Discourse Analysis as practiced in Brazil and which is organized and developed from the works of Pêcheux” (2005, p. 8).

⁶ The History of Language Ideas began in Brazil in 1987, with a project between the University of Paris 7 and the State University of Campinas (UNICAMP). This research program aimed at allying the history of the construction of metalinguistic knowledge with the history of the constitution of the national language, contributing to the way of thinking and working the language issues: technological instruments such as grammar and dictionaries are included, and in Brazil the uniqueness of the process of constitution of the national language.

(SANTA CATARINA, 2017). From the execution of this project, we come across a series of nominal forms of saying of the subject deprived of freedom by the prison system; and these modes of naming have drawn us to the point of becoming an important field of inquiry for us, since our initial hypothesis is that, depending on how this subject is named within the prison system, there may be a reification gesture of this subject; in other words, a very effective way of objectifying the subject who, in addition to depriving him of freedom, also deprives him of his own rights. In terms of naming, we start with lexical entries of terms that name the imprisoned subjects, terms that are given in Houaiss Dictionary of the Portuguese Language (HOUAISS, 2009⁷). From the analyzed linguistic materiality, hints have emerged that we have been employing the same terms for centuries.

This study is divided into five parts: i) introduction, which presents the theoretical background, objectives of this study and the legal texts that make up the *corpus*; ii) discussion around nominating *versus* designation: what are the subjects of the prison system called?; iii) how do the discursive processes of nominations act in the textualization of the law?; iv) to name or not to name: that is the question!; and v) final considerations, in which we score the synthesis of the analytic gesture: they can change the names, but they do not change the conditions of the production of meanings, therefore they do not change the discourses, which are the meaning effects of a name.

NOMINATING *VERSUS* DESIGNATION: WHAT ARE THE SUBJECTS OF THE PRISON SYSTEM CALLED?

If there is a global political challenge around the prison, this is not whether it will be corrected or not; whether judges, psychiatrists, or psychologists will exercise in it more power than administrators and guards; in fact, it is in the alternative prison or something other than prison.
(FOUCAULT, 2014, p. 301)

We are anchored in the Foucaultian thought, expressed in the epigraph of this section, to reflect on the political challenge of imprisonment, especially the Brazilian prison system, taking into account the current scenario of our political conjuncture in which the belief is growing that more and more disobedient bodies must be imprisoned in order to end violence and ensure security.

From the outset, can we question how the judicial system appoints the subject in prison? How does the letter of the Law name it? Or, who knows, would be better not even

⁷ We chose to select a contemporary dictionary for this study, emphasizing that Houaiss Dictionary presents diachrony and etymology (although it is not an etymological dictionary). We understand the notion of dictionary as a linguistic instrument, proposed by Aurox (2009), of the theory of the History of Linguistic Ideas.

name it? And so, would be better pretending that he does not exist? The alternatives for this appointment are many: imprisoned, detained, restrained, re-educated, deprived of liberty, criminal, convicted, sentenced, prisoner, delinquent, evildoer, undesirable, bandit...

From this assumption, we consider important to bring up the notions of designation *versus* nomination, central notions of this article; thus, we problematize the act of naming as a random vocabulary choice to understand it as a positioning. According to Guimarães (2004) and Stübe (2008, p. 160), the gesture of *designating* marks an allegiance to which the enunciator belongs and in which a political character is inscribed and also signaled, for it is first necessary to name, then say something about the object designated, and that nominating is socio-historically marked. Thus, to designate is to give life and to confer existence while naming produces the stabilizing effect of certain meanings. In order to contribute to the distinction between the two notions, we elaborated the nominating *versus* designation chart:

Chart 1 – Nominating *versus* designation

Nominating	Designation
<p>Semantic functioning by which something gets a name at the time and place where it occurred, in the enunciative event, in the enunciative scene (temporality).</p> <p>Effect of meaning stabilization; qualifying description of the object; objective classification; etymology.</p> <p>To give a name to something is to give it historical existence. Process of identification and location. Nominating is inserting someone, as a speaker, into a specific enunciation space.</p>	<p>Functioning of words in statements in the enunciative event; the meaning of a name and its relation to other names; (symbolic) relation to the real. Meaning as an apprehension of the real, which means in the language insofar as the saying identifies this real to subjects.</p> <p>Effect of meaning instability, configured by the relation that produces identifications through an endless process of re-writing.</p> <p>It indicates to which affiliation the enunciator belongs and is inscribed; has a political character; constructed by the enunciative relations and the relations of predication, contained in other enunciations.</p>

Source: Elaboration of the authors, anchored in Guimarães (2004, 2005).

From the foregone in the chart, we can understand that when it is nominated, it is done from a name, as if that name were transparent and free of position, but, discursively, we understand this gesture as a designation because it contains the mark of a position. Thus, with Guimarães (2003, 2004), we consider the designation as the meaning of a name working in its relationship with other names and with the world historically cut by the same name: to name something or someone is to give it historical existence.

That said, understood the distinction between the notions of designation and nomination, it is necessary to delimit the *corpus* to allow the confrontation within the discursive materiality about the nominations of the Brazilian prison system. For the French Discourse Analysis, the constitution of the *corpus* is crucial and works as a principle of methodological organization that guides the work of the analyst. According to Orlandi (2012a, p. 62-63), when we think of discursive analysis, one of the first aspects to be considered is in relation to the *corpus* constitution which, in its delimitation, follows theoretical and non-empirical or positivist criteria. By making the *corpus* selection, the analyst constructs the linguistic Materialities and decides the discursive properties to be analyzed; in other words, the *corpus* results from choices in a provisional instance and constant construction of the analyst himself: we take the discourse in its materialization in the language and we observe how the production of meanings occurs in the encounter of the historical with the linguistic one. Thus, the conception of *corpus* in Discourse Analysis is based on Pêcheux (2010, p. 57) and relates to the notion of the author's archive "in the broad meaning of pertinent and available documents on an issue". It is in relation with the language that we seek to understand discursiveness as inscription of material linguistic effects in the story "which constitutes the central node of a file-reading work" (PÊCHEUX, 2010, p. 57). In this sense, we understand that the file is not a simple document in which references are found, but it allows reading that brings out significant configurations, it opens to interpretative reading, which considers the materiality of language and memory in the discursiveness of the file, because it is on this materiality of the language, in the discursiveness of the file, that the interpretative gesture is effected.

This way, we understand that the *corpus* and analysis construction are closely linked, then we chose the pertinent documents available for the constitution and delimitation of the *corpus* of this study, which is: i) legal texts - Criminal Execution Law (BRASIL, 2011), Recommendation no. 44 by Justice National Council (CNJ, 2013), the National Council for Education in Criminal Establishments (BRASIL, 2010) (SANTA CATARINA, 2017), and the State Prison Education Plan 2016-2026: education, imprisonment and freedom, possible dialogues (SANTA CATARINA, 2017), and ii) nominations of the prison system - referential used to promote the comparisons of the terms that we find in the archives and are included in the lexicon of Houaiss Dictionary (2009).

Understanding that the material selected to compose the *corpus* will determine analysis possibilities and that the discursive analytical practice is based on the mobilization of theoretical procedures with this *corpus*, we start from a brief allusion to some terms and meanings that will appear in the course of this study when we mobilize, in the *corpus* cutouts, the ways of nominating the subject object of this research:

Chart 2 - Appointments for the subject who lives in the prison, deprived of freedom by the Brazilian prison system, from Houaiss Dictionary of the Portuguese Language (HOUAISS, 2009)

Lexical input Diachronic inscription/date Citation page	Lexical definition
Distressed (1459) (p. 156)	Sentenced to penalty; punished, punished. Forced worker.
Condemned (1266) (p. 515)	That or who has been declared or acknowledged as guilty. It is said of or individual against whom a sentence for an offense of which he was found guilty has been imposed. That or who awaits sentence (it is said of criminal, of lawbreaker). That or he who is perverse, of bad antecedents, or incurs in the reprobation of another. No possibility of recovery. To whom no hope of life is given anymore. Unhappy, disgraced, damn.
Delinquent (1444) (p. 610)	What or what delinquent, contrary to law or morality; criminal, offender.
Inmate (1958) (p. 674)	What is held in one place, esp. in prison; prisoner. Which is serving a sentence of detention. Detained, withheld, delayed.
Imprisoned (sXIV) (p. 747)	That he was imprisoned. Closed in jail. Isolated from social life, isolated.
Arrested (sXIII) (p. 1547)	Closed in an enclosed space. Stopped from moving freely; blocked Fixed or attached to something else, arrested, attached, tied. Guy imprisoned in a prison. Individual arrested or captured by agents of the police or judicial authority for a subsequent procedure. Taken, seized. Captive, detained, arrested, imprisoned, inmate, prisoner.
Prisoner (sXIV) (p. 1552)	Who lost his freedom, captive. He who has been deprived of liberty; arrested, detained. Individual living in jail.
Deprived (sXIII) (p. 1553) of freedom (1338) (p. 1175)	Deprived of something, unprotected, dispossessed. That belongs to a particular individual. That is personal and not expressed in public. Restricted, reserved for those of right, confidential. No other presences; lonely, isolated. Belonging to individual, particular, proper. Degree of legitimate independence that a citizen, a people or a nation elects as supreme value, as an ideal. Set of rights recognized to the individual, alone or in group, before the political authority and before the State; power that the citizen has to exercise his will within the limits provided by law. Condition of free person.
Reeducated (sXX) (p. 1629)	The one that is object of reeducation, that is being reeducated.

Source: Authors' elaboration.

Dictionary mentions circulating in common sense work under the illusory effect that the language is clear and precise to say of the world meaning. When distancing ourselves from common sense and understanding that there is discourse in lexicography, we understand the dictionary as a linguistic instrument, since “the appearance of linguistic instruments does not leave intact human linguistic practices” (AUROUX, 2009, p. 70). The notion of linguistic instruments in the History of Linguistic Ideas signifies an extension of the speaker’s

relationship with his language, a process that is pursued in the long term, with no chance of being finalized, breaking the exclusive connection of sciences with temporality, it is proposed to understand it in its constitutive historicity, deconstructing the imagery of mirroring the language in its meaning. It is in this sense that we have opted here for the analysis of terms mentioned in the dictionary, because, in its linguistic materiality, we try to understand how the meanings and the position of the subject in its historical crossing are constituted *by* and *in* the discursive functioning of the dictionary enunciation.

Based on this theory, we present the linguistic materiality of the *corpus* from a discursive clipping with the description of the appointments used by the Brazilian prison system to contend about the incarcerated subject who lives deprived of freedom. Based on the number of occurrences in the legal and institutional normative frameworks of the *corpus*, we sought to understand the effects of meaning arising from the functioning of the appointment in the body of writing law texts: the choices between the vocabulary options for nominating subjects that are behind bars and how the discursive processes act in the textualization of the law, in the lexicalization of the appointments. By means of this description in Chart 3 (next page), we try to point out how the subject's inscription occurs in these documents and, thus, "to give visibility to the ideological clashes that the writing of the law tries to erase in the logical-formal simulacrum that serves as a textual framework" (ZOPPI-FONTANA, 2005, p. 99).

From the descriptions of this chart, we invested in the work of interpretation in possible paths of meaning that the saying becomes possible, considering, according to Orlandi (2012c, p. 18-19), that interpretation "always occurs from some place of history and society and has a direction, which is what we call politics." We corroborate the author's saying since there is no better way to speak of meaning without speaking of memory and vice-versa. Thus, we consider it relevant to think about how the formulation of the meanings happens, the different ways of analyzing the functioning of memory in its relation with language, history and society. According to Pêcheux (2010), memory can be either the interdiscourse (discursive memory and structured by forgetfulness) or can be the archived (institutionalized memory and organized by the not-forgetting), arisen from both social and historical practices of organization and distribution of information and standardization; as it can be observed in our study, from the memory materialized by the archive of the norms of the Brazilian prison system emerges the discursive memory that permeates this system allowing the elaboration of a project of remission of the sentence by reading. Having made these considerations and starting from the constituted *corpus*, we discuss, in the next topic, the interpretative gesture of this linguistic materiality.

Chart 3 - Appointments used by the Brazilian prison system to say of the incarcerated person who lives deprived of freedom - number of occurrences that appear in normative legal and institutional milestones

Nomination/ Lexical input ⁸	Law of Execution Criminal ⁹	Recommendation n. 44, CJN ¹⁰	National Guidelines for Education in Criminal Establishments ¹¹	State Prison Education Plan 2016-2026 ¹²
Distressed	-	3	-	11
Condemned	5	2	1	3
Delinquent	-	-	-	1
Inmate	-	-	-	4
Imprisoned	-	-	1	-
Arrested	1	6	2	130
Prisoner	-	-	-	1
Deprived of freedom	-	-	16 ¹³	6
Reeducated	-	-	-	3

Source: Authors' elaboration.

HOW DO THE DISCURSIVE PROCESSES OF NOMINATIONS ACT IN THE TEXTUALIZATION OF THE LAW?

*History does not study man in time; studies the human materials
subsumed in the concepts.
(VEYNE, 1983, p. 44)*

From the gathering of the appointments used to refer to those who live behind bars (Chart 3), we proceed to the analysis of the meaning effects of these forms of

⁸ We consider the lexical entries in both the singular and the plural, so there is the sum of them.

⁹ Brasil, 2011.

¹⁰ CNJ, 2013.

¹¹ Brasil, 2010.

¹² SANTA CATARINA, 2017.

¹³ In the National Guidelines for Education in Criminal Establishments (BRASIL, 2010), there are three times the mention of “deprived of liberty” and 13 times “deprivation of liberty”. Because of the same lexical field, we chose to add up and consider the incidence 16 times.

nominating, considering the conditions of production of these subjects and the meaning of saying about them. When we look at the condemned lexical entry – which is the most occurring appointment in Chart 3, used in the Criminal Enforcement Law (BRASIL, 2011) – among other synonyms, we find: “*That or who is perverse, from evil background, or incur the reprobation of another. There is no possibility of recovery. [...] To whom no hope of life is given anymore. Unhappy, disgraced, accursed*” (HOUAISS, 2009), which acts to provide a meaning that disqualifies the subject, reinforcing the construction of the imaginary of the marginal subject, that is, a subject on the margins of society. Although we differentiate the connotation that underlies in the text of the law that the penalty is already sentenced, that the deprivation of freedom is not provisional, there is a semantic antagonistic load to what the texts of the law advocate: in Brazil, the Criminal Execution Law, law No. 7,210 (BRASIL, 1984, emphasis added), establishes in its article 1: “The purpose of criminal execution is to enforce the provisions of a criminal sentence or decision and to provide *conditions for the harmonious social integration* of the convicted person and the internee”. We would venture to say that the text of the law itself is “*perverse*”, for in it there is the name “condemned” – according to the meaning of the word, it would be “without possibility of recovery”, the one who “incurs reproach”. Taking into account this way of signifying the subject, we can question how the State would fulfill what the text of the law advocates, namely, “provide conditions for harmonious social integration” for a subject thus qualified from such appointment? It should be remembered that the act of nominating (im)poses a first gesture of locating the subject in and through the language, making it, also, materiality subject to – and that can – be interpreted. That is, nominating also constitutes the subject and gives it meaning within the conditions of production.

Based on the objective of this study and our theoretical affiliation, these appointments are analyzed, to a certain extent, from the concerns of Michel Foucault, author who provokes to articulate reflections on the discourse in the binomial knowledge and power. In his work *Discipline and Punish: The Birth of the Prison* (2014), the author states that “prison is the darkest region of the justice system” (FOUCAULT, 2014, p. 249) and, paradoxical as it may seem, that imprisonment is an essential part of all punishments, marks an important moment in the history of criminal justice: “its access to humanity” (FOUCAULT, 2014, p. 223). What would be at stake in Foucault’s words with the terms “access to humanity”? since our imaginary of this space of punishment seems much more a place of dehumanization, in which subjects are trapped behind bars, to which we could compare them to animals at the mercy of their owners and deprived of being able to command their own actions. In an attempt to answer, we understand that the author points to the birth of the prison with the end of the torments of the body and the truism of the prison are based on the simple form of freedom deprivation in the supposed role to transform individuals. Put in another way,

not to reach the body by the torture, but to reach the soul¹⁴ by the body trapped, dominated, domesticated, amenable. With the birth of the prison, the loss of freedom would be an egalitarian punishment, that is, all the condemned would receive, in theory, the same punishment – different from the punishments attributed to European criminals between the XVII and the XVIII centuries, when corporal punishment was common.

As stated by Davis (2018, p. 43), we find it ironic that imprisonment is a product of coordinated efforts to create a better system of punishment, much more human than the corporal punishment imposed by the state in European countries until the XVIII century. However, it is not so simple – and Foucault himself demystifies it by bringing the game between the two natures of the prison by the head of the French nation at that time, stating that the detention should only be a deprivation of liberty and then he added that imprisonment could only be justified by its corrective effects.

This narrative of Foucault (2014, p. 225, emphasis added) in which the enunciator slides and fails to buffer the effect of meaning “imprisonment only deprivation of liberty” and slides to “*imprisonment is justified by corrective effects*”, in which the notion of the Discourse Analysis is involved, under this theoretical bias: incompleteness, heterogeneity, openness and continuous elaboration. In the discursive perspective, language is understood intertwined with externality and is conceived as materiality socio-historically built, that “produces meanings in the relation of the subject with the ideological and the historical, in a system in constant movement, therefore susceptible of flaws, of misconceptions as structuring facts, of slips” (FERREIRA, 2005, p. 17). Thus, for the author, the language is susceptible to ruptures and breaches where other senses overflow, discursively shifting from one first meaning to another.

Still related to the semantic load of the enunciation by the head of the French nation, narrated by Foucault (2014), “*imprisonment is justified by corrective effects*”, it helps to think that there is an imaginary prison system, and in this, the social meaning of the prison is that punishment, or sentence, is conceptually associated with the indissoluble attachment to crime. “How often do we find the expression “crime and punishment”? (DAVIS, 2018, p. 92, emphasis by the author). There seems to be an amalgamated relationship between punishment and crime, a representation, an imaginary, naturalization of prison in a causal relation to punishment.

Retaking the reflection on the ways of nominating the subject under the custody of the judicial system, it is observed that when the place of enunciation changes, so does the

¹⁴ The soul, not as a metaphysical essence of the body or divine, or as an abstract entity of man, but as a historically constructed instrument, as an exercise of power, in constant clash and production of meanings, senses and subjections. The soul in Foucault (2014, p. 33) emerges as an instrument of action of the powers/knowledge on the body, in the process of constitution of the historical body of the subjects. In the Foucaultian view, the soul is a focal element directly produced along with the exercise of knowledge/power over the body.

way of enunciating this subject. When taking the discursive cut of Table 3, although it is a saying dated by a more current temporality, that is, dated from the twentieth century, it is noticed that there is no occurrence of the lexical entry “reeducated” in any text of the analyzed law, except for three instances of such appointment in the State Prison Education Plan 2016-2026 (SANTA CATARINA, 2017). Discursive materiality presents the change from “imprisoned” or “condemned” to “reeducated” – the one who is reeducated, or who is being reeducated. However, the enunciator of the text of the law (BRASIL, 2010, 2011; CNJ, 2013), by not nominating “reeducated”, is affiliated to the appointment established centuries ago of “prisoner” or “condemned”, crossed, cleaved by interdiscourse: not nominating “reeducating”, under this view, the enunciator slips and the misconception is translated into a structuring fact because it inscribes the subject in a discursive memory that seeks to re-signify, and thus endeavors to erase the pejorative connotation, yet other senses overflow and return.

In this enunciative field, especially in the analyzed document of Santa Catarina, there is visibility of hybridism and heterogeneity in the discursive materiality, since the appointments oscillate from one side to another: sometimes with more euphemistic semantic load exemplified by the six incidences of the appointment “deprived of freedom” and the three occurrences of “reeducated” and now letting crossings emerge in an antagonistic pole, observed in 11 instances of the appointment “distressed”, three times cited the appointment of “convict”, four incidences of “detainee”, 130 occurrences of the appointment “arrested” and the nominations “prisoner” and “delinquent” appear once each in this document. In this plurality of appointments in Chart 3, we highlight an oscillation in discursiveness that can be seen as a drive to change discourse, seeking, in the choice of lexical terms, a more euphemistic effect to say of the imprisoned subject, however this gesture seems only to change the nominating of the referent, but without changing the identity processes of this subject, which remains reified, assessed. In the text of legal normative frameworks, there is a constant exercise that tries to mark a new designation – signification *versus* resignification – but the ruptures are translated into forces of confrontation of the new semantic field and the appointments end up being linear, because there is stabilization of the meaning. Thus, we understand that words are not attached to the meanings, they receive “their meaning” from the discursive formation in which they are produced (PÉCHEUX, 2009, p. 146).

It is important to point out that we mobilize the forms of nomination used by the Brazilian prison system to speak of the incarcerated subject who is deprived of liberty, raised in the *corpus* of our research in parallel with the signification (HOUAISS, 2009) in an attempt to produce an analysis that the meanings are produced and how they elude from us even when there is a whole linguistic device that tries to control it, that is, the dictionaries use the stabilization of meaning, the attempt to maintain, naturalize and crystallize meaning in the language imaginary, including the prison system. We also note that in the diachrony

of the occurrence of these terms, the name “reeducated” began only in the twentieth century, while “condemned” had its first registration in the year 1266 and the diachronic record of “inmate” dates from the thirteenth century, which leads to thinking what would propel the creation of a term when there already exists another within the same field of signification? It is a rhetorical question, since we know that what is at stake is not to say more of the same, but rather to say the same in another way, and this is the point that interests us; in saying otherwise we mobilize one meaning and not another and in doing so we join one discursive formation and not the other. However, we cannot lose sight of the fact that the naturalization of the appointment of those who live behind bars runs through centuries of prison history pointing out that appointments change, but the designation seems to remain the same.

Quantitatively, there is more incidence of the appointment “arrested” in the State Plan of Education in Prisons (SANTA CATARINA, 2017); there are 130 occurrences. Creating or replacing words over time and unfolding new words are linguistic phenomena that deserve the analyst’s perspective; so, at this point, we propose the analysis of the discursive materiality of the lexical definition of the prisoner as “taken, seized, captive, prisoner” (HOUAISS, 2009), which leads us to notice the constitutive polysemy of this formulation, since this nomination brings in its synonyms framework the nominating of many other forms of nomination presented in the *corpus* of this work. In this sense, the name “prisoner” seems to belong to a term with more pejorative semantic load present since the thirteenth century; however, in the materiality of the *corpus*, we perceive that there is no dominant occurrence, that is, there is no primacy of the functioning for only one term; on the contrary, they merge, which indicates a heterogeneous functioning of these appointments, given that, in the analyzed document, all the appointments present in the *corpus* have practically emerged. It is important to note the moment when the possibility of altering this form of naming began to appear, as can be seen from the 16 occurrences of the appointment “deprived of liberty”¹⁵ in the National Guidelines for Education in Criminal Establishments (BRASIL, 2010); however, it should be pointed out that the replacement of one lexical cover for another does not necessarily imply a rupture with a discursive formation to which that name subscribes. And above all, it would be interesting to look at what is at stake discursively in this exchange of one lexicon for another. We have in this materiality a designation reversal, but the actual change of a pejorative meaning does not occur, and the already said returns in the nominations “condemned” and “imprisoned” – once each – and twice in the use of “arrested”.

¹⁵ The appointment “deprived of liberty” is used by the Restorative Justice that appeared in the mid-1970s. In Brazil, it has been used for about 10 years by social organizations, judges and courts of justice, with the support of the Prison Ministry.

Returning to the name “reeducated”, we observe that it is also frequently used by Judiciary and State Power¹⁶ agents; it is possible to point out an eccentric relation to this use when the work began with the Extension Project between academics of Unoesc and the Regional Prison of Xanxerê, the appointment always used by the prison staff was “reeducated”. We also note a frequent occurrence of the appointment “reeducated” when the State and/or the advisory services of the Ministry of Justice and Citizenship pronounce on the prison system in Santa Catarina. Our question is about what is at stake when changing the name of “condemned” to “reeducated”. At first glance we can infer that the second term would allow the subject to be placed behind the bars in another subjective position and condition; rather than simply “condemned to” would become “subject to reeducation.” In this sense, other horizons seem to be able to open themselves to the routine of the subject’s life within the walls of the jail, since the term “reeducated” would imply in actions of the penitentiary system itself in this process of reeducation. Nevertheless, the term is still subject to stigmatization, since in the morphological formation of “reeducated”, the Latin prefix “re” acts as a compositional element of incidence in the meaning of a designative element of repetition, that is, indicates a repeated action, with the addition of a semantic retroactive load on the radical “educated”. In other words, in saying “reeducated”, it is also said of the one who has already been in the position of “educating”, submitted to a process of education, but... We leave the ellipsis precisely to mark everything that could be implied in an adversarial conjuncture that would demarcate the failure of the educational system in relation to this subject, and who submits it again, but now to reeducation, and this time within another system: the prison system. From these reflections, it is understood that the statements of Judiciary and State agents and the three occurrences of the term “reeducated” in the document (SANTA CATARINA, 2017) give visibility to the resonances marked by the attempt to promote a rupture with a semantic charge attributed historically to the term, but, as all meaning is only possible because it already made sense before, marks of this same semantism are maintained when producing a new rename.

Continuing with the analytical gesture, we draw attention to this in Chart 3 when five times the appointment “convicted” in the Criminal Execution Law (BRASIL, 2011), two occurrences in Recommendation n. 44 (CNJ, 2013), an impact on the National Guidelines for Education in Criminal Establishments (BRASIL, 2010) and three citations in the State Plan for Prison Education 2016-2016 (SANTA CATARINA, 2017). Attention is also drawn to the appointment of a “prisoner”, in the same sequence as the documents listed above and, respectively, this call is mobilized with an incidence (BRASIL, 2011), six occurrences (CNJ, 2013) and 130 times (SANTA CATARINA, 2017). In these linguistic materialities constituting the discursive cut-outs, the mark of the already-there, the trace of the memory

¹⁶ Available in: <http://bit.ly/2Y0QP5f> ; <http://bit.ly/2IA6kfb>. Recovered: 21 Mar. 2019.

that slides and, on sliding, leaves traces, which, in the thread of discourse, here we refer to what Pêcheux (2010a) calls forgetfulness n. 2, the illusion of the enunciator that he has the control of the meaning of saying without realizing that he is questioned by the discursive memory and the interdiscursive paraphrastic resonances: in the lapse, in the oscillation-hesitation, the attempt to control the saying, that escapes, that cannot be buffered, which slides through the gaps, cracks and fissures of the porosity of the tongue, in the axis of discursive memory, in interdiscursivity.

In analyzing the meaning effects of the subjects behind the bars nominations, within the legal system selected in the *corpus*, searching for the discursive materialities in movement, we agree with Authier-Revuz (2010) that nominating is a work that is inscribed in “serious, severe, tense, in the non-coincidence of words with things, of himself with his saying. [...] in this constant reflexive movement they are forms of return in linearity on the said” (AUTHIER-REVUZ, 2010, p. 272). Thus, nominating is an insistent and repetitive presence and, with focus on the *corpus* of our study, on the non-coincidence of words with things, in the writing of the text of the law, there is an attempt to fix the control of the meanings, but this movement gives form to the oscillations-vacillations of memory and identity and, through this vacillation, through this slide between “condemned” and “imprisoned” and not “deprived of freedom” and “reeducated”, we find that memory is constitutive and, in rupturing, returns with interdiscursive clues.

Given the reflections raised by the analytical gesture about the effects of meanings constituted by the act of nominating and the process of designation, we rely on Authier-Revuz sayings to mark that “words and sequences of words belong to discourse in progress in all the forms of remission to another discourse already spoken, [...] allusion, stereotype, reminiscence, when these fragments are designated as ‘coming from another place’” (AUTHIER-REVUZ, 2004, p. 16, emphasis by the author).

TO NOMINATE OR NOT TO NOMINATE: THAT IS THE QUESTION!

“To the wound of the lack of saying – the dream of saying without fail, the silence of not saying, writing as adherence to the wound of saying – opens the field of the daily **negotiation** of the enunciators in their saying [...] another answer which is to **accompany the saying** by the saying of **his lack.**”

(AUTHIER-REVUZ, 2010, p. 255, emphasis by the author)

Language is the possibility of the subject’s inscription, as well as it is through it that it is possible to produce the deletion of the subject; and even in the face of erasure, the language leaves “traces that remain of what has been erased” (PAYER, 1999, p. 160). Within the prison system, the person who happens to live in jail may no longer be identified by his/her proper name and be pointed to by a number; as we have said before, in a gesture of

the characterization of the subject. In this perspective, it is understood that the erasing of the name of the subject behind the bars of the prison system and the exchange of this name by a number is constitutive, because the silence produced by this erasure grafts, in a point of the thread of the saying, “About what he does not say, makes resound in other words more this part of silence that is experienced in the words” (AUTHIER-REVUZ, 2010, p. 257).

One can understand with Foucault (2014, p. 146) that changing the proper name of this subject by a number is a first condition of control: the basis for a microphysics of a power, of permanent coercions that lead to the docility of bodies, to automatic docility, “a” resource for good training” (FOUCAULT, 2014, p. 166-167). The author describes the process of assembling¹⁷ mechanisms of the individual, so one may think that not naming is a mechanism within the power structure of the penitentiary system that categorizes, fixes the identity in another way and thus limits the possibilities of being subject within the prison system.

By not naming and by numbering, according to Kalifa (2013, p. 327), prison life establishes its mode of organization. Most prisoners accept the order that the system finds, however coercive it may be, because to accept it is to enter into the illusion of control. Prison is seen as the disciplinary institution par excellence, in which the subjects feel in the body and soul – in Foucaultian meaning and not as represented by Christian theology – the process of subjectification. The logic of the state is to maintain control of society by means of a system that leads the subjects without these subjects realizing that they are being led by the mode of operation of the gears of the system itself. In addition to numerical standardization, there is still the issue of the use of clothing, the orange uniform worn by the guys behind the bars, who force them to merge into a clothing matrix and why not in a

¹⁷ Subjectification, notion also in Althusser (1984) that influenced the thinking of Pêcheux (2009). However, there are proximities and distances between Althusser and Pêcheux and Foucault. The notion, in the Althusser’s and Pêcheux’s view, as opposed to signifying submission, is of the order of the political and the symbolic, and therefore of the resistance; subjection thus presupposes resistance not as a response to subjection, but as a founding element of the process. In this sense, subjection is an unavoidable issue for the subject, which does not occur without loopholes in the interpellation. In Foucault (2012, 2013, 2017), subjectification is a procedure of submission of subjectivity, understanding subjectivity as the way in which the subject makes the experience of himself within games of truth in which he is in relation with himself. We understand in Foucault the inverse movement of the Althusserian thesis of the interpellation of the subject into subject, centered on the individualization of the subject by the State. Foucault (2017) theorizes the relations of micropowers, and not by the fact that the language imposes resistances, explored by Pêcheux (2009). In other words, Pêcheux (2009) realizes the assumption of ideology, Foucault (2012, 2014, 2017) realizes the subjectification by micropowers distributed in society, by the configuration of disciplinary power. According to Orlandi (2012b, p. 106), Foucault establishes (and displaces) the *status* of the subject corresponding to the establishment (and displacement) of the individualization of the subject in relation to the State.

hue marked by the omnipresence of the number that the will accompany throughout life in prison, a mutation that characterizes the manifest signs to which the “bad boys” (KALIFA, 2013, p. 308) are subjected, those who are on the social margin.

Specifically regarding the question of Language within the legal system, Pêcheux (1990, p. 11) points to the language of Law – the legal language – as “the political way of denying politics.” In this sense, we understand how to enunciate language in law as a strategy of difference under the formal unity that culminates in legal language; in this case, the same words, expressions and utterances of the same language do not grasp the same meaning. According to Pêcheux (1990), legal ideology introduces, through its so-called universalism, an invisible political barrier that subtly intertwines with the visible boundaries engendered by globalization, thus “the language of legal ideology allows to lead the class struggle under the appearance of social peace.” (PÉCHEUX, 1990, p. 11). It is a contradictory process, in which the relations between language and history are plotted.

Pêcheux (2009, p. 84), in characterizing the relation between the relative autonomy of the linguistic system and the contradictory set of discursive processes, addresses the “play between legal code and linguistic code”. With this author, we understand that the subject succumbs to the weight of the law, which provides for a sanction for this subject. For Pêcheux (2009, p. 145), the law always finds “a way of grabbing someone”, a “singularity” to apply its “universality”. The language of the law authorizes and prohibits the forms of saying and creates the places of legitimacy, the institutional places. The language of the law, as Zoppi-Fontana (2005, p. 93) points out, describes the traces left in legal writing that comprise the paths traveled by the meanings to legitimize and stabilize as a law.

From the above, we understand that the functioning of the legal archive contributes to the formation of a memory that is projected on past events, through the material functioning of the language in its multiple forms, which, according to Zoppi-Fontana (2005), manifests itself in material support of the discursive processes that constitute the legal language, as a social management device.

FINAL REMARKS

“To make language work is only to play in its coercions and its gaps – to play in the latitudes that it offers”.
(GADET, 2012, p. 105)

As a conclusion, we seek to analyze how the subjects who live part of their lives behind the bars of the prison system are nominated and what effects of meaning arise from these nominations since, in the *corpus* of this study, we come across different nominations for the same designation. We find that, even with all the change in nominating, the meanings referring to the prison subjects do not change, therefore they do not change the designations, which are the meanings that a name can carry with it. According to Surdi

da Luz (2010, p. 114), in order to understand the implications of designating, we observe that, when it is designated, meaning is established and, as a consequence, other possible meanings that can return are extinguished. As stated by Guimarães (2005, p. 89), the designative movements constantly re-signify the real, identified by the symbolic, and necessarily include the political functioning that affects the language in the event of the enunciation. We need to understand the latitudes offered by language in order not to reproduce an imaginary of prison subjects, in whom meanings in operation are inscribed and marked by the structures of power, naturalized in society.

From the discussion that we propose, we consider that the meanings did not expand, because we saw that the rewriting of one nomination by another referred to the same subject, returning to the designation previously established. For example, the term “convicted” and “imprisoned” is replaced by “reeducated” and “deprived of liberty”; however, these last two forms serve much more of a euphemism to minimize official meaning which falls on the term referred to by the one who lives in the prison rather than to re-signify the subject of the prison that is implicated and locked behind the bars of that system.

Moving forward a little more, the words are the ones that say (about) the subject, they mean the subjects, who, before speaking, are “spoken” by words, by the other, by previous meanings in them sedimented in which subjects subscribe to signify, because “For my words to make sense, they must already make sense. And this is the effect of interdiscourse” (ORLANDI, 2012a, p. 33). Thus, in this game, in this tension between the same and the different, between the already-said and what is said, by the analytical gesture made, we are only faced with the nomination exchange of the imprisoned subjects, however humanitarian principles bet on the recovery and reintegration of prison subjects for social coexistence.

Finally, thinking about nominations in prison system can help us understand how to create an imaginary in which the subject who lives and/or lived an incarcerated period will carry a discursivity permeated by stigmatization unveiled by the very signifier or ex-convict. This is corroborated in Foucaultian thinking in which subjects are marked by the effects of power, are shaped by structures, institutions, discourses, by instrumental devices, by power relations. This discussion does not end here, there is much more to think about and to realize in the prison system, for “the historicity that dominates and determines us is bellicose and not linguistic” (FOUCAULT, 2017, p. 41).

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