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# Distance education in prisons: an educational right or a privilege?

## The case of "student inmates"

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*ABSTRACT.* Post-secondary education in prison is delivered mainly via distance education. This approach, which is considered to be particularly well suited to the constraints of prison life, is used to supplement the education provided in situ and is essentially aimed at young detainees and those with a low educational level. It is thus seen as an affirmation of a prisoner's right to education. Our research carried out with detainees enrolled in post-secondary education shows that distance education is ill-suited to the prison environment and constitutes a limited right to education that is highly inegalitarian.

*RÉSUMÉ.* En prison, l'enseignement supérieur passe principalement par l'intermédiaire de processus d'enseignement à distance. Ce dernier, considéré comme un système particulièrement bien adapté aux contraintes carcérales, permet de compléter l'enseignement sur place, essentiellement tourné vers les détenus les plus jeunes et ceux qui ont un bas niveau scolaire, et apparaît alors comme un garant du droit à l'éducation en prison. Par une recherche effectuée auprès de personnes détenues inscrites dans des études post-baccalauréat, nous montrons toutefois que l'enseignement à distance est mal adapté au contexte pénitentiaire et qu'il constitue un droit limité à l'éducation, fortement inégalitaire.

*MOTS-CLÉ :* Enseignement à distance, enseignement par correspondance, enseignement supérieur, prison, droit / privilège, France.

*KEYWORDS:* Distance education – Correspondence course – Post-secondary education – Prison – Right / Privilege – France.

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## **Introduction**

Raising the question of the right to education in general draws one's attention to the specific situation of the learners: the detainees. They are deprived of their freedom, but all their other rights, including the right to education, may theoretically be exercised. Laws, as well as agreements between the Ministry of Justice and the Ministry of Education, define the framework within which that right is put into effect. Distance education has a special place within those provisions, particularly in regard to facilitation of access to degree courses. Can distance education thus be considered to be a central element within the implementation of the right to higher education in prison? What sort of right to education is thereby put in place?

In this article, we shall first of all examine the different laws that organise the right to education in prison and then concentrate more specifically on the place that distance education occupies in that context. Basing ourselves on an analysis of questionnaires and semi-guided interviews carried out with student inmates, we shall show that, although distance education does indeed participate in the implementation of the right to education in prison, this approach is structurally and pedagogically ill-suited to the prison environment as it is organised in France today. This results in implementation of a minimal right to education and deepens the inegalitarian nature of access to post-secondary education in prison.

## **The population studied: student inmates**

This article focuses more specifically on a single learner category: students, in a specific environment: prison. Studying this population is interesting from our perspective: such people do not appear to be a priority for the prison educational facilities and, consequently, do not have the benefit of classes delivered within the prison by staff from the state education system. Receiving post-secondary education in prison therefore very often entails recourse to a distance education system.

Our analysis is based on research conducted via questionnaires and followed up by interviews with inmates who enrolled for a post-secondary course in 2005-2006. As the prison environment constitutes a very atypical research area (the numerous authorisations required, the difficulties inherent in organising trips, the likelihood of restrictions imposed by the administration or by the detainees themselves, the very great instability of the population), it was difficult to apply strict sampling criteria, so the questionnaire's respondents (71) and the interviewees (45) participated on a voluntary basis. The small number of questionnaires returned requires that great care be exercised when making any generalisation based on our findings, even though the sample represents around one-thirteenth of the total population of student inmates<sup>1</sup>. This sociological study was conducted throughout France in all three types

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<sup>1</sup> According to *Les chiffres clés de l'administration pénitentiaire*, a text published by the Ministry of Justice in 2006, some 58,300 persons were held in French prisons as of 1 January 2006. Of the 43,528 inmates provided with education in 2005, around 2% were enrolled for post-secondary education, i.e. some 900 students (this figure encompasses widely varying

of penal establishment (remand centres, detention centres and prisons<sup>2</sup>). The interviewees were spread across 22 different institutions; the criterion of diversity therefore predominated in the construction of the population, with the primary objective of obtaining the best possible coverage of the various student configurations that exist.

Education in prison: a right

Explicitly or otherwise, laws, guidelines and recommendations addressing the question of education in prison refer to the notion of a right to education and to the possibilities of implementing it in the prison environment.

### **A right proclaimed by the supranational authorities**

#### *The United Nations*

In 1990, the Office of the United Nations High Commissioner for Human Rights published the Basic Principles for the Treatment of Prisoners (Resolution 45/111 of 14 December 1990). In this document, the right to education in prison is explicitly expressed: "All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality" (Principle 6).

#### *The Council of Europe*

Two recent documents from the Council of Ministers of the Council of Europe dated 1989 and 2006 provide a reference framework for education and training in prisons in the different European countries. These are recommendations Rec(89)12, relating specifically to education in prison, and Rec(2006)2, on rules applicable in European prisons. Although these documents impose no obligation, since they only contain recommendations that each member country is free to follow or disregard, they do acquaint us with the reference framework used for the relevant French law.

Document No. R(89)12 on education in prison "recommends that the governments of the Member States implement a policy that takes account of the following: 1. All prisoners must have access to education that encompasses basic teaching, vocational training, creative and cultural activities, physical education and sports, as well as social education and access to a library (our emphasis)" (1989).

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configurations, however, ranging from studies leading to a postgraduate diploma within the framework of a full-time course – which is of particular interest to us here – to enrolment in part-time training which does not lead to any qualification). 60% are enrolled for basic training, 29% are studying for a diploma, a vocational certificate (CAP) or a vocational diploma (BEP), and 9% are studying for the baccalauréat or the university entrance diploma (DAEU).

<sup>2</sup> In France, there are three types of jail: remand centres, which receive persons who have been charged or convicted and have less than one year still to serve, detention centres and prisons (collectively designated as "penal establishments"), that receive convicted persons. Persons incarcerated for very long periods for serious crimes go to prison.

The 2006 recommendation specifies that: "Every prison must endeavour to give prisoners access to courses that are as complete as possible and which meet their individual needs while taking account of their aspirations. Priority must be given to prisoners who are neither numerate nor literate as well as those lacking elementary education or vocational training. Particular attention must be paid to the education of young prisoners and those having special needs" (2006, p. 9). All establishments are bound by a duty of care that requires them to do everything possible to give prisoners access to education while nevertheless concentrating their efforts on young persons and those having a low educational level. These two elements are present, moreover, in all the texts relating to education in prison: this is explained by the fact that the prison population is predominantly young with a very low level of academic achievement<sup>3</sup> (INSEE, 2002; Combessie, 2001).

### **A right guaranteed by France**

Articles D450 to D456 of Section III "Education and Vocational Training" of the Code of Criminal Procedure contain the laws on educational and training activities in prison. Article D450 of the Code of Criminal Procedure establishes very clearly that education must be considered to be a right in prison, a right that any prisoner may invoke: "Prisoners must acquire or develop the knowledge they will need after their release to achieve better social integration. All facilities consistent with the demands of discipline and security must be provided to this end for prisoners able to benefit from education and vocational training and, in particular, the youngest and the least educated (our emphasis)". Bearing in mind the specificity of the prison population that we have already referred to, priority is given to students having a low educational level, and the youngest: "Primary education is provided in all penal establishments" (Article D452).

It thus appears, through the laws, that education is a right that all prisoners may claim for their social and occupational rehabilitation<sup>4</sup>. Even though training appears to be a right, however, its application remains subject to numerous conditions and always seems to be contingent upon security issues. Moreover, the organisation of the education and authorisation to take a course are subject to the approval of the prison governor. Consequently, what is established and decreed as a right is often considered to be a privilege (and may thus be withdrawn in the event of conflicts, for example). Speaking of the right to education in prison therefore does not necessarily result in its application, and teachers and student inmates alike sometimes have great difficulty in exercising it (Milly, 2001). This is even more true for adult prisoners who are beyond the scope of compulsory education, and for those wishing to progress to a higher level course.

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<sup>3</sup> In the INSEE's report, the authors state: "the male prisoners [...] finished their schooling and left the parental domicile at an early age. The age at which schooling ceased, and the age of the person, are, by far, the most important differentiating factors: the prisoners are mainly youths who discontinued their schooling" (2002, p. 57). Within this context, our population constitutes an exception.

<sup>4</sup> Here we see a viewpoint markedly different from that of the Office of the United Nations High Commissioner for Human Rights which referred to the "complete fulfilment of the human personality".

### **Agreements between the Prisons Administration and the Ministry of Education**

It was the agreement and circular of 29 March 2002 that created the current framework of the prison education and training facilities; they were signed by the Ministry of Justice, which has authority over the Prison Service, and the Ministry of Education. They improve and supplement the convention and circular of 1995.

The agreement of 29 March 2002 begins with these words: "The education provided in penal establishments constitutes a right for persons deprived of their freedom" (2002). The right to education is clearly asserted here. In addition to the organisation of education in prison, this agreement sets forth the expectations and objectives of the Prisons Administration and the Ministry of Education. As the object is the social and occupational rehabilitation of the person, the emphasis is once again clearly placed on low-level, or even very low-level, training. In this context, access to secondary or university education appears to be a possibility rather than a right and the student inmate is made largely responsible for sourcing and financing the course.

For its part, the circular sets forth the agreement's educational and administrative provisions. Here again, the emphasis is placed on low levels, although it is stated that "while prioritising the lowest levels, it is appropriate to enable the prisoners to access all levels of elementary, secondary and higher education" (2002).

Thus, according to the law and the agreements between the Prisons Administration and the Ministry of Education, the educational efforts in prison are essentially concentrated on young prisoners and those having a low attainment level. Within this framework, the teaching is delivered in the prison itself by staff from the state education system who work in the prison on a full- or part-time basis. For the other levels, and the higher levels in particular, arrangements are made to give the prisoners who so wish access to their chosen courses. Distance education is one of the solutions envisaged to offset any shortage of training and tutorial staff.

### **Distance education: a promoter of the right to education in prison**

We have tried to draw a picture, which is far from exhaustive, of the different laws that establish education as a right in prison and provide an incentivised or coercive framework for the organisation of educational activities in prisons. What emerges clearly from this is the necessity of dealing first of all with those who have the greatest need of it – and who are, moreover, the most numerous – namely the young prisoners and those with a low educational level. The importance of enabling any prisoner to take any course at any level is nevertheless emphasised. Although the right to education is not always invoked in this situation, the fundamental place that education occupies in "the fulfilment of the human being", and especially in the social and occupational rehabilitation process, seems to be imperative. Access to distance education should thus be provided for certain categories of student inmates who are not covered by the training and educational policies to which the Prisons Administration gives priority. In this situation, distance education may be substituted for traditional "in-class" teaching in order to guarantee the right to education for everyone in prison. Thus it was that 4,776 persons were enrolled in distance education in prison in 2005 and accounted for around 11% of the student inmates (Ministry of Justice, 2006a, p. 11): this

type of facility therefore enables the right to education to be guaranteed for a small number of people.

### **The organisation of distance education in a prison environment**

Enrolment in correspondence courses is authorised in each establishment, either through the structures administered by the Ministry of Education or through others. In fact: "the prisoners in every establishment may receive and follow correspondence courses organised by departments within the Ministry of Education. They may also receive other correspondence courses with the authorisation of the prison governor who, if any problem arises, shall refer the matter to the Ministry of Justice" (Article D454 of the Code of Criminal Procedure). It thus appears that distance education is almost always confused with correspondence courses in prison (we shall likewise use the two terms indiscriminately in the remainder of the article). This is due to the great difficulties inherent in, or even a total ban on, the use of the new information and communication technologies in prisons. Distance education therefore essentially consists of teaching through the medium of paper.

Different distance education structures cohabit in prison: Auxilia, the Centre National d'Enseignement à Distance (CNED), the various university distance education departments and a few other structures.

#### *Auxilia*

Auxilia is an association that organises correspondence courses taught by voluntary teachers (often retired), free of charge or for a modest sum. It serves around 50% of the prisoners enrolled for such courses; it is by far the most prevalent distance education structure in prisons: on account of the wide range of courses it offers, the personalised follow-up it can provide and its virtually free status. These are mainly courses at primary, and sometimes secondary, level, often without any real qualification prospects.

#### *The CNED*

The CNED, placed under the supervision of the Ministry of Education, accounts for around 19% of the prison population undertaking distance education. An agreement between the CNED and the Prisons Administration signed in 1998, and updated in 2007, sets out that structure's distance education organisation for prisons. That agreement establishes distance education as a promoter of the right to education in prison: "the education provided in penal establishments constitutes a right for persons deprived of their freedom. In this context, distance education offers a solution geared to the individual or specific training requirements, either by supplementing teaching delivered on prison premises by staff from the state education system, or as the sole means of accessing courses, documentation and other resources relevant to qualifications". This sentence clearly affirms the role of distance education as a promoter of the right to education when that right cannot be exercised through the facilities normally made available. It can thus make up for a lack of availability and offer an alternative to persons who are unable (or unwilling) to undertake traditional education.

The other organisations offering distance education (AFEC<sup>5</sup>, AFPA<sup>6</sup>, GRETA<sup>7</sup>, etc.) account for 31% of the persons enrolled and are rapidly expanding. They mainly offer vocational training.

### **The situation of student inmates**

As we have already indicated, the educational and training activities favour the population of young prisoners and those with a low educational level, a priority that all the laws affirm. No specific agreements or recommendations exist for other educational levels. The agreement of 29 March 2002 nevertheless states that the regional education units must set up agreements with educational establishments – and therefore with the universities and distance education organisations – in order to broaden the range of courses available to prisoners.

The agreement establishes three options for the organisation of higher education:

- enlist the services of secondary school staff (on a part-time or temporary basis) with knowledge relevant to the training of adults or the appropriate training;
- establish a distance education system;
- refer the prisoners to other establishments better able to meet their needs.

The second solution was preferred by most of the persons we met in connection with our research: the great majority of the students (around 80%) currently pursue their studies by correspondence. Although the universities' distance education departments are in the lead with 41% of enrolments, the CNED also has a very substantial share (34%), while the other providers remain very much on the sidelines (around 5%)<sup>8</sup>. So, in 2005-2006, most student inmates had enrolled in a distance education programme for their post-baccalauréat studies.

Distance education can therefore be considered to be a crucial factor in the implementation of the right to education and, more specifically, higher education, in prison. At this level, "in-class" teaching activities are in reality isolated actions deriving from a proclaimed and marginal pedagogic militancy. This being the case, it can be stated that distance education participates in the implementation of the right to education in prison. However, if one analyses the organisation of distance education in prison in greater detail, one is forced to conclude that it is poorly implemented in prisons and gives rise to and increases inequalities.

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<sup>5</sup> Association Formation Enseignement Continue.

<sup>6</sup> Association nationale pour la Formation Professionnelle des Adultes.

<sup>7</sup> Groupements d'Établissements publics locaux d'enseignement.

<sup>8</sup> This information should be treated with caution, for it appears that the university enrolments were overstated because students were enrolled for a distance-learning degree course via the universities as well as the CNED. The interviews showed the CNED in pole position (22 students) ahead of the universities' distance education departments (15 students) and the other facilities, distance education or otherwise (8 students).

### **Distance education and the prison environment: the establishment of privileged access to education.**

Distance education, as we have seen, is used to compensate for the scarcity, or even the lack, of traditional education in prison at certain levels and for certain student categories. It appears to be an approach that is particularly well-suited to the specific needs of each person and which, *inter alia*, enables certain obstacles associated with the location to be overcome.

Bernard Pagny, the former director of the CNTE<sup>9</sup> of Vanves, wrote: "it is obviously hardly surprising that correspondence courses appear to be eminently suited to the needs of prisoners, given that, by their very nature, they are designed and provided for persons who find themselves in an isolated situation in which their progress with their independent work can be remotely monitored and guided" (1980, p. 127). The main advantage of distance education would thus seem to be its great capacity for adaptation to any situation and to that of prisoners in particular. It also facilitates their rehabilitation. This notion is also implicit in Jean-Claude Barbarant's report for the Conseil économique et social: "The Conseil would therefore like the State to commit to and support the promotion of open training and distance education as an integration tool for marginalised communities. This constitutes a major contribution to social cohesion" (1997, p. 13).

However, distance education, like any teaching activity, moreover, comes up against structural and educational difficulties linked to the prison environment and the characteristics of the prison population. Furthermore, such education has prerequisites that prisoners generally cannot meet. It would therefore seem difficult for it to respect the principle expressed in Article 26.1 of the Universal Declaration of Human Rights of 10 December 1948: "access to post-secondary education must be fully and equally available to all according to their merits". Thus, when the questionnaires ask the students to indicate the main problems they come up against, they put administrative and educational problems in first place (in terms of access to the other players in the education system) at 43%, followed by material and educational difficulties (in terms of access to knowledge) at 28%, the remainder consists of various problems (in particular relational and cognitive difficulties). If one delves more deeply into this question in interviews with the respondents, this provokes unbridled criticism of the distance education system as currently offered and organised in prisons<sup>10</sup>. It is clear that inmates wishing to enrol for a correspondence course need material, relational and educational resources that the prison population has great difficulty in mustering.

### **The need for money and material resources**

It is the high cost of training, upon registration and throughout the course that poses the biggest problem for student inmates. This is exacerbated by the context, which gives rise to a high rate of poverty among the prisoners (Marchetti, 1997) and offers educational supplies at prices that are often higher than those charged elsewhere. The first selection is thus made between those who have financial resources and those who do not.

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<sup>9</sup> Centre National de Télé-Enseignement, now the CNED.

<sup>10</sup> Out of a total of 45 interviews, only 2 persons considered distance education to be particularly well suited to their situation and their way of working.

### *Enrolment fees*

It appears to be crucial to have the requisite financial and material resources before embarking on a correspondence course. First of all, as we have seen, the Auxilia association does not cater for the higher academic levels; the majority of the students therefore have to resort either to the CNED or to a university's distance education facility to pursue higher studies. Those enrolled with the CNED have to pay high enrolment fees, both for the higher technician's sections<sup>11</sup> and the university-level courses (to which the university's enrolment fee must sometimes be added). For persons enrolled directly with the university, the amounts are lower but nevertheless constitute an obstacle for most of the students. It should be noted also that prisoners are not eligible for university grants<sup>12</sup>. It thus appears that the price to be paid by the student is very variable: thanks to arrangements made with the university on a case by case basis, some prisoners do not pay their university enrolment fees while others pay them without paying the CNED's fees or only pay them at a very modest level. Others have to meet the total cost of their education. This is to some extent dependent on the budgets allocated to each regional authority and the portion of them left for the higher levels.

"Me, in Osny, this is what they said: "I'm really sorry, but you were the 3<sup>rd</sup> or 4<sup>th</sup> person to ask for the CNED, and we've already paid out for two of 'em'" (Farid, aged 24, 2<sup>nd</sup> year, BTS Commercial Unit Management, CNED<sup>13</sup>).

The vast majority of the prisoners need such financial assistance in order to enrol; so this will depend on their personal resources. This necessity also opens up the possibility of such financing being used to put pressure on the students to make them more cooperative and better behaved. Consequently, although the financing is heavily dependent on the budgets allocated, the relations between the inmate and the management and the inmate and the education department also have a great deal of importance, implicitly. According to Bruno Milly: "access to education is perceived more as a privilege than as an inalienable right that can be granted to the most docile prisoners and withdrawn for any who become recalcitrant" (2001, p. 108). This is even more the case at a level of studies that is far from being the main concern of the administrative and teaching staff.

### *Material needs*

Other costly requirements, in addition to the necessity of paying enrolment fees, increase the cost of post-secondary education: buying books, paying for stamps to send work by post, owning office equipment, obtaining documentation, etc. The amount of these expenses is

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<sup>11</sup> Structures offering preparation for the BTS: post-baccalauréat vocational training over two years.

<sup>12</sup> "[...] persons in penal custody other than those placed in a semi-freedom scheme are excluded from the benefit of an educational grant on social grounds, even if the persons concerned otherwise meet the criteria laid down for the awarding of such a grant" (MEN, 2004).

<sup>13</sup> This reads as follows: is enrolled for the second year of the BTS (Brevet de Technicien Supérieur) in commercial unit management through the CNED.

increased by the context. The prisoners can actually purchase equipment from outside through the "canteens"<sup>14</sup> system, but the prices charged are very often higher than the normal prices.

"And you have to pay €25 for an ink cartridge, whereas when I go into town, when I go out<sup>15</sup>, I see them on sale at €7.50. When you buy the printer for your computer at €99 and you see adverts for the company of the bloke who's selling it to you saying that it's on special offer at €60, it makes me hopping mad" (André, aged 58, 3<sup>rd</sup> year, Law, CNED + SED<sup>16</sup>).

Because of their isolated status, the students do not always have the benefits in kind offered by the penal establishment's education centre that other students may be able to take advantage of. This leads to enormous disparities between students depending on the establishment, as some are strongly supported in terms of both finance and equipment, and others not at all (this indicates, moreover, a greater or lesser degree of integration within the system of the prisoners and their relations with the administrative and/or teaching staff). The necessity of having money and material resources thus places them in a position of strong dependence on the assistance that people on the outside are able to give them.

### **Having means of accessing the outside world**

In addition to financial resources, the students must also have an extended and concerted network of means of accessing the outside world in order to successfully complete their studies and overcome the numerous constraints that their situation gives rise to.

#### *Access to information*

One of the first problems is that of understanding a complex institution like the CNED or a university from a long way away. These students have a strong feeling of "strangeness"<sup>17</sup> in their contacts with them which is greatly increased by the fact of not having direct access to their staff. It is not unusual for enrolment to take a very long time and for some students to find themselves in inextricable situations.

"So, in order to enrol me for a degree course, the CNED asks me to send my plans and my curriculum vitae to the clearing office, which I therefore do. [...] In doing so, I actually sent them a whole pile of dossiers to I know not whom... a whole pile of dossiers and the work I had carried out, on video. That took a year... from 1 November 2005 until 26 April 2006 [...] and now, after all that, I have to re-enrol at the beginning of the new academic year" (Serge, aged 53, 3<sup>rd</sup> year, Cinema, CNED + SED).

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<sup>14</sup> "Canteening" means buying various products (objects: radio cassette players, crockery, etc.; foodstuffs: Nescafé®, fruits, delicacies, etc.) from a list proposed by the Prisons Administration in order to brighten up their imprisonment. So one speaks of purchases from an external "canteen".

<sup>15</sup> On day leave.

<sup>16</sup> This reads as follows: is enrolled for the 3<sup>rd</sup> year of a law course through the CNED and the distance-learning department of a university.

<sup>17</sup> Term borrowed from Alain Coulon, 1997, p. 29.

For others, it is the content of the course itself, the examination process or the organisation of the academic year that constitutes a real bugbear; this permanent impression of being acted upon by the training rather than being a real player within it is reinforced by the fact that the students are obliged to go through intermediaries to ascertain things and obtain details of the arrangements for the course, sometimes after a long delay.

"Yeah, so I ask [the teacher], from time to time, and he actually goes on the Internet for me; it's thanks to him that I now know that I passed my exam, for example. It's impossible to find out otherwise. I sat 3 modules at the end of January, beginning of February, which I thought were class exams: nothing of the sort, it was in fact the first full part of the exam and I didn't know it!" (Loïc, aged 35, 1<sup>st</sup> year, Humanities, SED).

For the student inmates, it is a case of undergoing distance education rather than applying themselves to it. Being unable to control a system that they are unfamiliar with and lacking the access codes, they suffer from several problems that prevent them from taking full advantage of their educational experience.

#### *Access to sources of information and means of communication*

As we have stated above, distance education in prison essentially boils down to taking a correspondence course. But the distance education media are becoming increasingly more varied: where there was once only paper, new channels such as television and radio and, more recently, computing and multimedia, are being used (Glikman, 2002).

In the prison environment, the use of various teaching aids to assist the training is closely supervised and gives rise to numerous checks. Although these teaching aids do not arouse as much suspicion as they once did, they are still subject to tight controls that may handicap the student. On the other hand, the use of any means of communication is strictly supervised in the prison environment and most of the time constitutes an obstacle to administrative and educational contacts with the distance education centre.

". Because, precisely, as you were saying, I jumped at the chance: "I'll telephone them", do you have any contacts with teachers?

. I haven't, but I tried, with the university, with the university of A, that was very very difficult. One day, I, on two occasions, I used up a whole card of 120 units and I couldn't get hold of the teacher, one of the teachers, I wasn't able to: the music, "Hold the line, please wait, we're dealing with your call, blah, blah, blah". Followed by total silence, I hang up, I call again, I shouldn't have hung up!" (Raymond, aged 72, 3<sup>rd</sup> year, Philosophy, 4<sup>th</sup> year, sociology, SED).

The dehumanising nature of these situations, which are relatively common in our daily lives, increases in the prison environment; being unable to make contact with the university or the CNED and obliged to rely on the willingness to help of third parties (teachers on site, relatives, friends, social workers), such remote access to studying means that the students live in a state of constant deprivation as well as exclusion from the educational community. Distance education thus finds itself disembodied. This is in complete contradiction to the initial objective of distance education: having been considered to be the most appropriate means of personalising the prisoners' study path and tailoring it to their individual needs, it

has turned out to be an inhuman and impersonal system which is incapable of adaptation to the constraints of the prison context.

The other learning aid that student inmates desperately need but do not have access to is the Internet; this working tool, which is now essential for all students, is still completely banned in prisons<sup>18</sup>, a fact that severely handicaps the prisoners. It should be noted that most of the courses themselves now make reference to Internet links in connection with the coursework and also make some of the documents available on line, which are thus only accessible to those with an Internet connection.

"Today, me I see, I'm handicapped by that... there's loads of information I can't get hold of because I don't have Internet access. I can't download certain documents, that's... then, I always manage to get a bit of it through my wife, for example, I phone my wife or I write to her, I say: "Hey, download that and send it to me by post". I get it like that, I receive documents like that" (Christian, aged 56, 3<sup>rd</sup> year, Doctorate in Sociology, independent candidate).

Student inmates have difficulty in accessing the information and communication technologies that distance education increasingly makes use of. They thus find themselves disadvantaged in this respect and try to put compensatory tactics in place through external support structures. A "resource-based" system prevails that favours detainees who are able to access the documentation via a large number of personal contacts.

#### *Access to documentation*

In addition to access to supplementary course material on line or through resource centres or virtual documentation, "student inmates" also encounter problems when seeking to access the compulsory or recommended bibliographical content for their course. The libraries in penal establishments usually contain very few high-level scholarly works. The students consequently do not have on-site access to suitable documentation. Once again, they are obliged to have recourse to outside resources, whether this be through the "canteens" system, the teachers on site, or their family or friends.

"The only way I could do it, was through my parents, because at X [prison], we had the right to have books brought in via the visiting room. So, by that means, I was able to have books brought in because, for philosophy, I needed quite a few books... And I wasn't going to find them in the library. They didn't have much on philosophy, but my parents were able to send me a good number of philosophy books" (Benoît, aged 22, 1<sup>st</sup> year, Philosophy, SED).

We could cite other student comments on the inadequacies of the establishment's library – or, in any case, on its inappropriateness for their level of studies – and on the necessity of them having to obtain books from elsewhere. If this possibility does not exist, the students find themselves obliged to buy the books, and this calls for substantial financial resources.

"This year, I had to spend 15,000 francs, I think, on books. You might think: "You don't need to spend that much". But you do because, outside, you go to the library, you go on the Internet and you've got them, you don't need to buy them all. Here, if you don't buy them, you don't

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<sup>18</sup> "No prisoner must have Internet access or be in physical contact with equipment that facilitates it" (Ministry of Justice, 2006b, p.10).

have them, and that's that. And when you want to buy them, you still might not be able to get them..." (Loïc, aged 35, 1<sup>st</sup> year, Humanities, SED).

Therefore, the problems of accessing information, the means of communication and documentation mount up in prison. The cumbersomeness and constraints inherent in the prison environment come on top of a distance education structure that is very often dehumanised and bureaucratic within the CNED or the university. Moreover, the necessity of delegating the search for information and documentation to persons outside actually keeps the prisoner in that state of dependency that distance education is supposed to overcome. All of this seems to us to be in conflict with an essential prior condition of distance education: the autonomy of a student who must necessarily assume control of his/her own education.

### **Assuming control of their own education**

Distance education in prison thus requires that the students be autonomous in a setting managed on the basis of infantilisation and loss of autonomy. This requirement of the distance education system thus places the prisoners in an extremely inegalitarian situation which, paradoxically, increases their dependency. As Annie Jézégou puts it: "by assigning to each learner the responsibility for his/her training, distance education increases autonomy, not as a training objective, but as a selection criterion" (1998, p. 113). Moreover, the detainees are predominantly persons from a working-class background (Combessie, 2001), and distance education, which places emphasis on an implicit cultural and educational level, primarily puts learners from such a background at a disadvantage (Jacquinot, 1993; Glikman, 2002).

#### *Time management*

One aspect of distance education that presents serious problems for the students is the necessity for them to be able to manage their time without any outside help. They are expected to know how to organise themselves and to be able to meet demands regarding timing that are more or less explicitly imposed. Now "the educational institution [...] asks the learners to comply with timing requirements that it has predetermined but which do not correspond to the timing logic experienced by the learners. In actual fact, it imposes time periods on the learners which are both measured and chronological, whereas they are accustomed to a time progression that is more spiral than linear" (Jézégou, 1998, p. 123).

The detainees face two handicaps: they are pigeonholed as "new students" (as opposed to "heirs") and they have a poor understanding of the implicit rules that universities work to (Bourdieu & Passeron, 1964; Sirota, 1993). They therefore have poorly developed abilities in the realms of planning, regulation and self-regulation that characterise the academic temporal ethos (Verret, 1975, p. 238). On the other hand, they are prisoners and very often find themselves within an infantilisation process in their relationship with time since most of their activities – and their timetables – are imposed on them (they don't decide the time they get up, take their meals, have a shower, engage in sporting and cultural activities, paid employment, etc.).

An ability to manage their time gives those who can organise their studies around a schedule an advantage, since those who are familiar with this time factor element of their studies they can apply it to the management of their post-secondary education. If this prerequisite is

lacking, the distance education system calls for "learning time" (Coulon, 1997), that is to say a familiarisation phase during which the students can endeavour to assimilate its operational rules.

"That's what was difficult, trying to find a realistic schedule. To start with, I said: OK, during that period of time, I'll do that and during that period of time, I'll do that, then, on that day, I'll do that, that and that, and then I tried it. And then I found that it wasn't working, so I altered my schedules on the basis of the actual periods during which I was able to work. Because, if you like, just deciding that you need to work for one hour doesn't mean that you'll actually work for one hour" (Alphonse, aged 63, 1<sup>st</sup> year, BTS Business Management, CNED).

Managing one's time, dovetailing one's studies with one's work and other activities, requires organisational and planning skills that it is difficult for a prisoner, often a new student, to acquire. The student "induction phase" described by Alain Coulon (1997) is therefore only rarely undergone successfully.

#### *Loneliness management*

"Whether it is used to convey content, working methods or exercises, or to facilitate communication, distance education is thus a media-reliant teaching method" (Champy & Étévé, 2002, p. 465). So, although distance education is founded on the physical remoteness between the educational structures and the student, linking techniques exist (meetings with the teachers, forums organised on the Internet, telephone meetings, meetings between students, tutoring, etc.). Yet, if we apply the typology drawn up by Viviane Glikman (2002) to the distance education offered in prisons, it is seen to have a low, or even very low, level of mediation and media content<sup>19</sup>. So, the students have to endure two major educational difficulties while studying: that of not having contacts with the teachers and also that of not having contacts with other students.

First of all, the students feel completely isolated in their studies, with no possibility of assistance or support from the teachers. They frequently make unsuccessful attempts to contact them.

". Who are you able to have contacts with concerning your studies?

. Nobody. I write to the teachers and have received only two replies in a year; with regard to marking, I must have sent between 15 and 20 assignments this year, I didn't count them, and out of those 15-20 coursework items, I've had 5, perhaps 6, back corrected. I've had some model answers that arrive, not all, but I've only had 5-6 corrections of my own work!" (Loïc, aged 35, 1<sup>st</sup> year, Humanities, SED).

The students find this isolation from a world which they very often can only glimpse through course material and model answers, which increases the inhuman nature of the distance education systems that we have already referred to, bitterly disappointing. They are even banned from participating in virtual meetings with the teachers and other students; Mohamed regrets that he is unable to access the CNED's educational forums:

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<sup>19</sup> Viviane Glikman sets out to draw up a typology of open and distance education courses based on two criteria: mediation and media content, which each break down into two grades: rather weak or rather strong.

"Because, what's more, I don't know, it's, I don't know the exact frequency but they get together on the Internet and have a dialogue between students and teachers, so... at times, they talk about the course and say that they'll have further contacts on the Internet, that they'll talk about it then" (Mohamed, aged 24, 1<sup>st</sup> year, BTS Business Management, CNED).

The students' comments we gathered on their learning experience thus corroborate Georges Le Meur's finding: "contrary to the claims put forward, but rarely demonstrated, the use of a distance education system is not necessarily linked to autonomy of learning and an autodidactic approach. Quite the opposite, students express a keen desire to be guided along their study path and counselled on the use of educational resources; this leads us to conclude that distance education is effective and relevant only if it is supported by a structured programme and a study path supervised by the course team" (2002, p. 421). The prisoners live through this experience in a permanent state of deprivation with their student identity lacking or even negated and reduced to their solitary identity. They very often see the distance imposed by the system as indifference. This lack of support and the solitude arising from it place the students in a position of dependency that is increased by their prisoner status and is antinomic with the autonomy required and sought for distance learners.

## Conclusion

Although distance education appears to be the only means of guaranteeing the right to higher education in prison, in point of fact it merely enables a few prisoners to enjoy a privilege – and not to exercise a right to education. "Student inmates", having to face their education alone and ordered to assume responsibility for it without having either the means or the prerequisites, thus undergo the system rather than applying themselves to it and they experience their situation as a two-fold exclusion: from free society on the one hand and from the educational community on the other. Paradoxically, the distance education system, which calls for strong autonomy as a prerequisite and seeks it as a consequence, increases the infantilisation suffered in prison and places the students in a situation of dependency relative to the other players in the educational relationship. In this context, distance education performs the functions of a service providing minimum access to post-secondary education, thereby favouring prisoners who have numerous resources and adding to the existing inequalities. The teachers on site, being snowed under with their everyday tasks and monopolised by prisoners with a low educational level, while lacking the time, the training and the means to deal with the students, rely on their autonomy and the assistance of distance education organisations to guide them. For their part, these teachers have not assessed the special studying requirements of the prisoners or their specific characteristics with a view to really adapting and personalising their education. This personalisation of the sentence and, consequently, of the study path, a "leitmotiv" of the administration, the teaching staff (Milly, 2001) and the distance education organisations, results in the students being put on the sidelines and thus becoming the "helpless" or "marginal" members of the distance education community because of the lack of any real facilities or determination (Glikman, 2002, p. 261). In this context, it would perhaps be interesting to look at what happens in Spain where the UNED<sup>20</sup>, a distance education organisation, offers two types of educational guidance: the first by the university's own teachers, who do not have any direct contact with the prisoners, and

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<sup>20</sup> Universidad Nacional de Educación a Distancia.

the second by teacher-tutors<sup>21</sup>, who do have direct contact with them and offer them educational supervision and personalised support<sup>22</sup>. The tutoring, an essential interface between the student and the distance education structure which it would be interesting to adapt to the French context, may be added to a different solution such as the establishment of a collaborative working facility of the Intranet type. This would, among other things, make the documents and other course materials accessible on line for recovery by the penal establishment's teachers.

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<sup>21</sup> "Teacher/tutors" in the text (San Segundo Manuel, 1991, p. 47).

<sup>22</sup> The first proposals for the EURO-DESIP project, led by various European distance education organisations (including the CNED) and relating to higher education in prison, also favour this approach (Callejo & Viedman, 2007).

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<sup>23</sup> Agence Nationale pour le Développement de l'Éducation Permanente.