

The contemporary relevance of “Ragazzi difficili” Educational dispositives and rehabilitation practices

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Abstract

The work of Piero Bertolini crucially influenced the pedagogical study of juvenile delinquency in Italy. His theoretical contribution changed the dominant interpretative paradigm, which had previously been informed by a psychological/medical and corrective model. By redefining rehabilitation and introducing the key notion of “intentional consciousness” as a basis for helping subjects to take responsibility for their conduct, Bertolini prompted educators to adopt a new perspective and to reconsider their own stance within their educational work with teenage offenders. Although this novel educational focus demands a different emphasis on the young person’s subjectivity, it is not enough to reflect on the “subject”: the importance attributed by Bertolini to “education as a field of experience” means that, in engaging with his “*tough kids*”, we must also take due account of the “materiality” of education, while remaining within a phenomenological framework. This is one aspect of the contemporary relevance of “*Per una pedagogia del ragazzo difficile* (*Pedagogy for troublesome juvenile*, 1965) for a book that speaks directly and meaningfully to the professional development of today’s new generations of education practitioners.

Keywords: juvenile justice, deviant behaviour, rehabilitation, intentionality, educational dispositives

Rehabilitation as an educational dispositive: critical aspects and opportunities

Inquiring into the contemporary relevance of Bertolini “*Per una pedagogia del ragazzo difficile*” (*Pedagogy for troublesome juvenile*, 1965) hereafter PDR¹ quickly leads us

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to recognize the innovative nature of the educational perspective and practice presented in this work. Indeed, PDR/RD still have much to offer to students and educators engaging with the theme of juvenile delinquency. It is first and foremost a book that obliges us to reconsider the very concept of education and consequently to revisit our understanding of “re-education”. We might say that Piero Bertolini was the first educationalist to address this issue in depth, and to warn us that education that can never be “impartial”. This is because intentionality, a key phenomenological focus within Bertolini’s model of interpretive pedagogy, reflects the link between representations and subjective needs: the educator’s worldview is inevitably implicated in his or her educational practice. Consider the implicit bias in our “dream” to be educators - the bias inherent in a notion of “good” education (good from the perspective of those who aspire to educate) - suggests the nature of the risk involved: “The risk that this education conceals the potential to be violent if our intention is to ‘educate’ without taking into account the needs of the other” (Schermi, 2010, Auth. Trans.). This was the risk inherent in the primary goal of corrective institutions across the nineteenth and twentieth centuries. The will to “re-educate” implicitly bears the potential for violence, given the biased nature of educational models designed to normalize, “straighten out”, and correct (Barone, 2011). By viewing education as “intrinsically good”, institutions implicitly demand the young people in their care to “readapt”; the rehabilitation process thus risks being undermined by a mechanism that seeks to elicit socially acceptable responses (vis-à-vis a given perspective on human beings, society, and the world) whether or not authentic growth has been experienced.

Hence the key importance of Piero Bertolini’s “PDR/RD”: decentring pedagogical discourse from a truth perspective “on” the young person to a potential perspective of openness “on the part of” the young person has represented a major paradigm shift within the human sciences in relation to the theorisation of juvenile delinquency.

Although this new centring of education imposes a novel approach to subjectivity, it does not solely involve paying attention to the “subject”. PDR/RD attribute key importance to education as a field of experience, thus paving the way for reflection on the “materiality” of education. In my view, Piero Bertolini was well aware of the implications - in Dewey’s terms - of the transactional dimension of education, which entails a relationship of co-dependence between subject and environment (Dewey, 1938/2014). Hence, a pedagogy of difficult youth crucially also needs to leverage the mediating power of the educational setting.

Difficult decades

A careful rereading of PDR in light of the two decades that have passed since the publication of its revised edition (Bertolini & Caronia, 1993), prompts us to highlight its ongoing pedagogical contribution. This is visible in the emphasis on educational action in the field of juvenile justice that has taken firm hold within the human sciences. Furthermore, the coming into force of Italian Presidential Decree 448 of 1988 on criminal proceedings against minors, although it stopped short of reforming the penalties for juvenile crime (Pazè, 2010, p. 11), undoubtedly fostered forms of intervention focused on the "specific psychological conditions of minors" and their "educational needs" (D.P.R. 448/1988 – Art. 3). Following on calls from the UN (Beijing Rules) and the Recommendation on Social Reactions to Juvenile Delinquency issued by the Council of Europe (17 September 1987), this youth justice reform made the criminal justice and social systems fully co-responsible for the treatment and rehabilitation of young offenders, paving the way for families, schools, and communities to play a role in the task of "re-educating for responsibility" (Scivoletto, 2012, p. 40).

The combination of these two key terms ("re-education" and "responsibility"), indicates the extent to which the educational perspective, anything but a given in the early 1990s, became part of the judicial and political awareness of legislators. The affirmation of the pre-eminent importance of education, today perceived as indispensable, including (and perhaps especially) in the context of juvenile delinquency, was the outcome of a thirty-year Cultural Revolution (1960s-1980s) that underpinned the gradual revisiting of theories interpreting deviant conduct on the part of adolescents and youths: Bertolini was undoubtedly one of the voices of this profoundly innovative² movement, given his experience on the ground as Director of the "C. Beccaria" Institute for minors in Milan.

However, while PDR/RD interpreted and, in a certain sense completed, a long period of transformation of Italian society and its penitentiary system³, only a few years after its publication, neo-retributionists in Europe and the United States began to advocate for a return to more rigorous punishment and "zero tolerance" of crimes committed by both minors and adults. The "zero tolerance" slogan was introduced to the media by the Republican mayor of New York, Rudolph Giuliani, during his double term of office from 1994 to 2001. However, zero tolerance policies and their theoretical and practical bases date back to still earlier historical situations. Indeed, the term "zero tolerance" was used for the first time in the mid-1970s, when the crime-fighting "Safe and Clean Neighborhoods Program" was launched in New Jersey. This scheme involved the increased deployment of district police to discourage petty crime by so-called "disorderly people". In March

1982, a specialized journal published an article by two criminologists, Wilson and Kelling (Wilson, Kelling, 1982, pp.29-38), which set out the "broken window" theory: specifically, the idea that "urban decay would foster a sense on the part of the community of being abandoned and neglected by the authorities, which in turn would encourage deviant behaviour" and consolidate criminal cultures (De Giorgi, 2000, p.106, Auth. Trans.). Between 1990 and 1993, William Bratton, head of security for public transport in New York City, launched a harshly repressive campaign against categories seen to make the New York subway an unsafe and dangerous environment: the homeless, graffiti writers, beggars, and youth gangs. Arrests for minor offenses in the underground network rose five-fold in just three years, going from 1300 in August 1990 to around 5000 in January 1994 (De Giorgi, 2000, p. 109).

From the mid-1990s onwards, Italy too introduced more security-oriented and repressive policies, designed to tighten the net of social control and respond more harshly to criminal offences. New laws on immigration and drugs, enacted during the tenure of centre-right-wing governments in the first 10 years of the new millennium⁴, appeared to offer an "emergency" response to the general feeling of "insecurity" that has pervaded Italian society over the last three decades, moving in the direction of a return to harsh repression of subjects perceived as "dangerous". Leaving aside the instrumental arguments that have been deployed in support of such "security" measures, we should not overlook the philosophies underlying them, the true basis on which they are socially and legally recognized. To better understand the challenge faced by the contemporary Italian juvenile justice system in translating the educational principles embedded in its regulatory and procedural framework, in light of a social climate that once again takes a harsh view of "difficult youths", let us briefly review the international debate which has inevitably also had repercussions in Italy (Ceretti, Mazzucato, 2004). This debate has centred on how juvenile justice interprets responsibility for offenses committed by adolescents and the emerging need for harder punishment that has marked the transition to the new millennium.

The question of accountability on the part of the minor: «adult time for adult crime»

We have already noted that in the United States, the last two decades of the twentieth century were characterized by a marked intensification of social control, which was reflected in the concept of "zero tolerance" and an upswing in punitive juvenile justice policies. The American juvenile justice system had originally been reformed in the early 1900s based on the principle of rehabilitation; deviant behav-

ior in teenagers was interpreted as a consequence of inadequate care on the part of caregivers and psychological immaturity on the part of the young offenders. This vision came under increasing attack from the late 1960s onwards and the counter-position eventually became well-established in the course of the 1980s; the significant increase in juvenile crime and the related peak in public concern at that time lent support to the positions of those who saw the high recidivism rates of adolescent offenders as confirming the ineffectiveness of the rehabilitative approach. According to Scott and Steinberg: “During the closing decades of the twentieth century, juvenile justice policy underwent major change. In less than a generation, a justice system that had viewed most young lawbreakers as youngsters whose crimes were the product of immaturity was transformed into one that stands ready to hold many youths to the same standard of criminal accountability it imposes on adults. These changes took place through far-reaching legal and policy reforms in almost every state that have facilitated adult prosecution and punishment of juveniles and expanded the use of incarceration in the juvenile system. As the reforms proceeded, often in a frenzy of public fear and anger about violent juvenile crime, lawmakers appeared to assume that any differences between adolescents and adults were immaterial when it comes to devising youth crime policies” (Scott & Steinberg, 2008, p. 16). In terms of treatment, this legal perspective resulted in the adoption of approaches in marked contradiction with the principle of prioritizing the educational needs of minors entering the criminal justice system; again in the US, the tough stance on serious juvenile crime was reflected in legal moves to significantly lower the age of adolescent offenders liable for prosecution in adult criminal courts: the age of judicial transfer was lowered in many states to allow the criminal prosecution of teens aged fourteen and younger; in addition, the range of offences that could lead to transfer was extended (ivi, 2008, pp. 20-22).

The expression used to affirm the principle that minors who commit serious offenses bear full responsibility for them – “Adult time for adult crime” - has been welcomed by public opinion and sums up the paradigm shift in American youth justice that took place at the close of the last century. The elementary line of reasoning used to justify harsher punishment goes hand in hand with the rapid dismissal of the psychological and pedagogical interpretations of deviant behaviour in adolescents offered by a myriad of specialist studies. A minor capable of committing an offense “like an adult”, must receive the corresponding penalty: “like an adult”. This simplification of the phenomenon ignores the question of awareness and “responsibility”: a teenager who commits a serious crime, precisely by virtue of the adult nature of his or her offense, is accountable for it to the same degree as an adult, and must be judged and treated accordingly.

This principle of equivalent responsibility, which originated in North America, has also wielded some influence in Europe, especially in the course of the 1990s

and early 2000s. A principle that soon gave rise to debate in Italy, especially at the political level and in the media, and in conjunction with particularly high-profile crimes committed by Italian adolescents⁵. In the context of the inevitable emotional shock waves generated by these tragic events, calls came from some quarters for a lowering of the age at which harsh (“adult”) penalties could be applied, based on similar arguments to those implicit in the principle of “equivalent responsibility”.

Within the social sciences, interpretations of deviant conduct, while taking into account both changes at the socio-cultural and inter-generational levels, and the spread of new forms of juvenile delinquency, have generally rejected a uniform view of “difficult youths” as on a par with adults. Rather than accepting the alleged “anthropological” transformation - whereby transgression and deviant behaviour are now held to be displayed at an increasingly young age -, psychology (legal, clinical, social) (Scott & Steinberg, 2008; De Leo, 1998; De Leo & Patrizi, 1999; Ceretti, 1997) and the sociology of deviance (Dal Lago, 2000; Prina, 2003), as well as the pedagogy of deviance and marginalization (Cavana, 2010; Barone, 2011, 2013; Mannucci, Izzo & Mancaniello, 2003) have, over the past twenty years, emphasized the need for a complex and, insofar as possible, interdisciplinary, reading of deviant conduct in minors. This position is based on the key assumption that juvenile crime must be interpreted as the expression of specific conditions (immature judgment, peer pressure, the link between mood and impulsive behaviours, poor self-control, etc.) that can critically influence the formation of teenagers’ personalities, thereby mitigating their guilt and degree of accountability as young offenders.

“Greater mental competence, but less self-control”: the question of the age limit for criminal accountability

In Italy, a proposal to lower the age limit for criminal responsibility to 12 years was made in 2001, during the tenure of the second Berlusconi government, by the then Minister for Justice, Roberto Castelli. The main argument deployed by the Minister, amongst other reasons in light of the Novi Ligure case which had occurred in February of that year, revolved around the need to assess “the possible adaptation of criminal justice and youth justice legislation to take into account the altered levels of maturity of young people today”⁶ (Auth. Trans.). This argument, intentionally emptied of any scientific content, was designed to leverage the widespread social perception of a type of juvenile unrest that was expressed in these high-profile dramatic events and was difficult to explain using the existing categories of psycho-sociological analysis. Independently of the political instrumentalism

inherent in Minister Castelli's argument at that moment in time, rapid social changes in recent years have introduced the hypothesis that adolescents or even pre-adolescents may be maturing earlier than in the past into the legal, psychological, and education debate. And along with this notion, the question of how to best assess a minor's degree of maturity (Basil, 2002; Ceretti, 2002). In this context, it has been proposed that today's adolescents might be viewed as maturing according to a dual-speed model, in which intellectual maturity is attained increasingly rapidly (capacity to learn, know, understand) but is not matched by equally rapid development in emotional maturity (emotional competence, capacity for self-control, control over instincts), which would appear to develop more slowly and perhaps even less fully than in the past.

This supposed enhanced cognitive ability, which might be expected to enable youths to carry out appropriate assessments of reality and thus to make fully-informed decisions, has been cited to justify the attribution of social and criminal responsibility at a lower age, and hence the proposed new cut-off for criminal accountability at 12 years. However, from a purely pedagogical perspective, this position is flawed because it is underpinned by a social bias: clearly, deviant behaviour on the part of an adolescent produces - at both the individual (relationship with peer group, formation of a "deviant" identity) and social (relationship with the local community and education agencies) levels - an adultifying effect, which denies or alters the developmental task associated with the young person's specific life stage. The combination of the minor's deviant act and its social representation produces the irretrievable "loss" of his or her "being an adolescent". And it is precisely with a view to preventing such a loss that the analysis offered in PDR/RD continue to be of crucial value. Because it seems to me that the phenomenological concept of "intentionality" drawn on by Bertolini to examine the theme of young offenders' relationship with their deviant acts and the scope for them to subjectively revisit it (Bertolini & Caronia, 1993, pp. 58-67) represents a decisive resource for educators. While Bertolini's interpretation of maladaptation in difficult youth identifies the functioning of intentional consciousness as the core of the subject's relationship with the world, it is precisely this "active genesis of self" (Ivi, p. 59) that challenges "equivalent responsibility" as a legal criterion supporting tougher juvenile justice policies. Bertolini emphasized the need to avoid becoming trapped within the interpretive categories that we inevitably use to communicate our experiences: in keeping with this concern, I propose that the "dual-speed" representation of the child/adolescent outlined above is inadequate. It is a representation that essentially redefines the historical interpretation of the "social minority of minors" (Barone, 2011, p. 166), retaining the concept of socially dangerous irresponsibility in deviant youth but no longer attributing it to reason (or cognitive maturity, as long claimed by the positive sciences), but to the sphere of emotions, feel-

ings, and control over instinct. In Bertolini, difficult youths are “always” recognized as “global” subjects who contribute, through their daily existence, to determining the reality they experience. However, their peculiar “difficulty” is related to their intentionality of conscious acts (from both the cognitive and affective points of view) (Bertolini & Caronia, 1993, p. 69): hence the need and the scope for educational work.

Rehabilitation practices for “*tough youngsters*”

To complete the reflections presented so far, in which I have attempted to illustrate the themes and contradictions that have marked the juvenile delinquency debate in the 20 years following the publication of RD (and 50 years since the publication of PDR), I now propose, from a pedagogical perspective, a strategic approach based on educational intervention with young offenders. PDR/RD are the only pedagogical works to date to have engaged in depth with the issue of juvenile delinquency in the Italian context. Its authors suggest interpreting the juvenile offence as a communicative act through which the minor cries out for help from adults and from society as a whole. A minor who commits a crime, they propose, should always be seen as a subject whose acts take place in relation to a complex set of interrelated situations (familial, social, economic, cultural and material factors); the criminal act reflects the more negative side of this environment. This awareness prompts us to view the rehabilitation process and the generation of an appropriately inclusive setting in terms of first deconstructing and subsequently reconstructing the elements making up the adolescent offender’s subjective history. According to Bertolini, this is equivalent to “bringing about a deep transformation in adolescents’ overall worldview: their understanding of self, others and things, how they may relate to these entities and finally how they may choose their own attitudes and behaviors” (Bertolini & Caronia, 1993, p. 72, Auth. Trans.).

The experience-based recommendations of those who currently carry out educational work with teenage offenders include a set of basic strategies aimed at setting off a dual process to enhance the design of educational intervention. First, it is key to engage adolescents in their intervention programs at both the relational (in terms of emotions and affect) and experiential (in terms of cognitive skills) levels; second, they must be guided from their initial level of involvement to full commitment, in terms of shared participation in drawing up a life plan for themselves that redefines and goes beyond, in concrete and meaningful terms, their problematic history. In order to give this process, the best possible chance of succeeding, the educator must deal with a series of delicate aspects that typically arise when

working with “tough youngsters”. First, the anger that frequently dominates the emotional state of adolescent offenders forces the adult to search for solutions facilitating the acceptance and processing of this emotion. Aggressiveness and anger usually stem from a representation of one’s relationship with others and with the world that is limited to an attack-defense model. Authorizing the energy of anger and channeling it into a different kind of expressiveness is an essential first step that can pave the way for less stereotypical social relationships.

A second key issue is self-expression: the offence is indicative of a deterministic experience of self, on the basis of which deviant adolescents freeze their image of their own identity; this is what Fulvio Scaparro has described as the “bad guy mask” (Scaparro & Roi, 1992), or personal identity stuck in the role of delinquent. It is therefore necessary to create a space for possible different expressions of self through the provision of experiential settings eliciting new forms of self-narrative.

A third issue concerns young offenders’ relationship with their mistakes. The offence, as experienced by the adolescent (except in very serious cases of murder), appears to be frequently underestimated in terms of its social significance. The acts leading to the crime are often perceived as normal, especially if the offence was committed by a group. This suggests the need to devote time to reassessing the error: recognition of error is facilitated when the educator evokes alternative ways of acting or living out critical experiences with potential for error. This brings us back once again to the reflections of Bertolini, this time concerning the need to open up the existential horizon of these *tough youngsters* to include other possible world views. To speak of inclusive practices for adolescent offenders, implies seeking out the means of giving them back the opportunity to speak and narrate themselves, reactivating their *desire* to express a life plan of their own and thereby releasing them from the constraints of their existential history⁷. It means setting in motion a structured path of discovery of Self in relation to the Other (Bertolini & Caronia, 1993, pp. 169-188).

In Bertolini’s view, a crime committed by a young person represents a clumsy attempt to define his/her “own position in the world”: the offense involves an excess, which is driven by the young person’s demand for a subjectification that he or she feels to be lacking, and which takes the form of a univocal narrative - the only one that the youth is able to produce – that fails to include “the other than self”. The pedagogical question, especially in relation to rehabilitation intervention, thus becomes: how may such youths be helped to recognize themselves in other forms of biographical narrative? This means placing the subjective dimension and the given horizon of meaning underpinning the subject's actions, at the centre of educational practice. In other words, “re-educating” is a pedagogical task that fruitfully weaves together the dimensions of lived existence (relationship with the

past), concrete experience (present condition) and world view (expectations concerning the future).

In this regard, PDR/RD offer us an insightful, original, and irreducible perspective. Regardless of the perspective from which we choose to read the issue of juvenile delinquency, and whether or not we accept phenomenological pedagogy as an interpretative lens, no serious attempt at conducting theoretical analysis or defining educational practice in the field of deviance can forgo engaging with this work. As I hope to have shown, its substance and argumentative force remain unaltered and, indeed, it may today have an even more vital role to play in the formation of educators and social workers, in light of the changes that have taken place in recent years.

Notes

¹ The second updated edition of the book was published with a slight different title (*Ragazzi difficili. Pedagogia interpretativa e linee di intervento*. [Though youngsters. Interpretive pedagogy and guidelines for practice], hereafter RD) and written with Letizia Caronia (Bertolini & Caronia, 1993). As explicitly stated in the book, Caronia's contribution didn't affect in any significant way the former pedagogical framework of Bertolini. We therefore refer our analysis mostly to Piero Bertolini's theoretical perspective as it has been developed in PDR and RD.

² Importantly, the constructivist and interactionist paradigms have made a key contribution to theories of deviance, especially within sociology, by bringing to light the social and cultural function of processes defining "deviance". Within the human sciences more generally, the phenomenological perspective has offered a model of theoretical inquiry and analysis, applicable to the different branches of knowledge, and enabling a radically rethinking of the social sciences.

³ It should be pointed out that a law reforming the penal justice system had been enacted on 26 July 1975 (L. 354/1975), while changes in measures to remove and limit the freedom of offenders (L. 663/1986 - known as the Gozzini Law) came into force on 10 October 1986. As stated above, these reforms were supplemented by provisions for bringing criminal proceedings against minors in the Presidential Decree of 22 September 1988; while on 27 May 1998, Law n.165 (known as the Simeoni - Saracens law), introduced alternative measures to prison for sentences of under three years (increased to four years for offenders who are drug addicts).

⁴ Two laws in particular are materially and symbolically representative of this pattern: Law 189 of 30 July 2002, better known as the Bossi-Fini, which modified the previous law on immigration and the status of non-nationals (DLgs n. 286/1998), and Law 49 of 21 February 2006, better known as the Fini-Giovanardi, which modified the earlier legislation on narcotic drugs and psychotropic substances, and on the prevention, care and rehabilitation of the related states of drug addiction (D.P.R. 309/1990).

⁵ The most prominent of such crimes in recent memory, albeit very different from one another, are those of Novi Ligure (February 2001), Chiavenna (June 2000), and Tortona (December 1996).

Pierangelo Barone – *The contemporary relevance of "Ragazzi difficili". Educational dispositives and rehabilitation practices.*

⁶ Cfr. Ze, M.A., “Carcere anche se hai solo 12 anni. Il ministro Castelli vuole abbassare la soglia di punibilità” [“Prison even if you’re only 12 years old. Minister Castelli wants to lower the age limit for criminal liability, L’Unità, 14 October 2001, p. 13.

⁷ See: Barone P. (2009), *Pedagogia dell’adolescenza*, Guerini & Associati, Milan; see also: Palmieri C. (2012), *Crisi sociale e disagio educativo*, Franco Angeli, Milan; and: Iori V., Rampazi M. (2008), *Nuove fragilità e lavoro di cura*, Unicopli, Milan.

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Pierangelo Barone – *The contemporary relevance of “Ragazzi difficili”. Educational dispositives and rehabilitation practices.*

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