

The rambling of Portuguese childhood between the shadow of infringement and marginalization and the light of protection and (re) education (19th century and part of the 20th)

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Abstract

In this discussion, of a socio-historical nature, within the scope of the [Social] History of Education and Childhood, we analyse the child / childhood in the intricacies of the 19th century and part of the 20th century in Portugal. We used the hermeneutic approach methodology in the construction and interpretation of the documentary corpus, which was supported by specialized literature of the time and recent literature on those childhoods that did not have a process of normalization and schooling imposed by the society of the time. These childhoods are limited to an abnormality of behaviours and situations, due to family, social and surrounding environments. The structure of the text, composed of 4 points, coincides with the established objectives: to understand the emergence of childhood that accompanied the social, family and political changes of the 19th century, causing social situations and conditions with an impact on children; explaining the emergence of social reforms with assistance and educational measures for the child / childhood, with emphasis on hygiene; analysing the visibility of disadvantaged and marginalized children and the protection and institutionalisation's responses; to know the intervention measures on offending and delinquent children. It was up to social (political) reformers, with emphasis on the State and philanthropists to implement assistance, educational and moral regeneration measures, using specific protection institutions.

Keywords: Unhealthy childhood, child delinquency, offending childhood, child protection, child studies.

Introduction

A considerable amount of time went by before researchers in the [Social] History of Education started treating children as historical and social subjects, interpreting them in their representations in the world, as well as to analyse the multifaceted process of the social construction of their childhood and the role of society from Modernity. This social construction of the child and their childhood took place amid political-ideological forums, scientific discourses of various sciences (medical, legal, pedagogical, psychological and sociological) and philanthropic and beneficial aspects. We remember that the 'adult-child' relationships took place as differentiation and naturalization, which implied a conceptual change that generated social concepts and representations throughout the ages. Little by little the child took on various functions that diluted him in the contemporary family (Wall, 2005): economic function (child and youth labour); care function (health care); lineage function (heritage conservation); religious function (divine gift); statutory function (offspring).

There were groups of children / young people who did not have socialization and schooling courses as a norm considered by society, either because they moved away from normalization as they were born with stigmas, disabilities and abnormalities different from the accepted moral criteria, or due to needs, lack of family or adequate conditions for their development, or even for committing infractions, crimes or anti-social behaviour, etc. All these circumstances passed into history, when they crossed the border of imposed normalization and, thus, these children/childhood were dependent on the judicial structures of the State, the institutions responsible for their government and assistance establishments. Until the 19th century, it is difficult to follow the footsteps of these subjects who did not live according to the social canons of stability, because they were not a problem of order, since their number was very limited or non-existent, in addition to the lack of documentary records that allow us to analyse them. The absence of information is in itself an enlightening testimony that even in the context of private and institutional life, the problem of those childhoods (helpless, vague, marginalized, offender and delinquent) had no different nuances. We do not mean that this type of childhood did not exist, which we call 'Other Childhood', distinguishing it from the so-called normalized and schooled ones, but the collective mentality (conceptions), police, judicial/penal and internment administrative structures do not. They separated them, confusing them with the world of illegal people, of wandering, vagabonds, delinquents and offenders (Cascão, 1993: 425-439).

Thus, the problem of this childhood was confused with that of adults, in penal destinations, regulated by penal codes of the 19th century, who contributed to the distinction and attribution of penalties for their unlawful acts, misdemeanours and infractions (Oliveira, 1929).

Only with the creation of modern states and the creation of governance institutions does a slow process of objectification of these children / young people begin to be a responsibility for society (protection), in particular, the State and philanthropists, who originated social reforms with assistance devices, educational and regeneration (Thuillier, 2003). Now, this modernization instituted a civilizing process of the adult and child world, in the pretension of the child to be civilized and normalized (society's norms), understanding them as a socio-cultural product, with new relations of authority and behaviour, in which the school (child-student) constituted the space reserved for their schooling, in addition to their important place within the family (King, 2007).

In historiography terms the conception and representation of the child/childhood, mainly that of the 'Other Childhood', which had different paths and trajectories of life, socialization and (re) education than the so-called normal. It is worth remembering that in the 19th century in the socialization institutions of the child, the family models (influence of the bourgeois model in other social classes) and the school changed. These changes affected the forms of social control to which childhood was subjected. This configuration remained until the first juvenile courts, which in the Portuguese case took place with the publication of the Child Protection Law in 1911, where father Antonio d' Oliveira (deputy director and chaplain of the House of Detention) played a prominent role (mentor) and Lisbon Correction, created in 1871). He was the first director-general of the jurisdictional services of minors, under the jurisdiction of the Ministry of Justice, headed by Republican Afonso Costa (Martins, 2012). This diploma made devices and services available for minors, highlighting the role of Childhood Tutoring and Refugees, the Federation of Friends of Children, Patronage and other tutelary mechanisms.

Our historical-educational essay did not take place without the support of facts, data and information contained in the documentary sources (primary, secondary) of the time and other specialized literature referenced on the socio-historical perspective of these abandoned children/childhoods and offenders. This handled heuristic was submitted to the hermeneutic argument of analysis and interpretation (Bérrio, 1976: 449-475). Therefore, we let the 'facts speak', unravelling the information and the underlying meaning found in it, knowing that the data of this way of making history remained silent for historians and that they now emerge in a historiographical. Our theme is part of the [Social] History of Education and Childhood in the context of history from below, in terms of making social history according to J. Sharpe (2011), E. Hobsbawm (2002) and P. Burke (2014), having as an object this type of children/childhood ('Other Childhood'). Methodologically the structure of the text consists of four points, which coincide with the established objectives, which are the following: understand the emergence of childhood that accompanied social changes, family and policies of the 19th century but that caused social situations and conditions in many families and with an impact on children; describe and explain the emergence of social reforms with assistance and educational measures for the child/childhood, highlighting the role of hygiene and/or social medicine; to analyse the social problem of the visibility of disadvantaged and marginalized children and the protection and internment responses; to know the intervention measures on the offending and delinquent children and their re-education (Martins, 2016).

Meandering Causes of the Emergency (Marginality) of Childhood

At this point, we will analyse the political and social contexts in Portugal, during the 19th century, which produced changes in social institutions (school and family) that affected the forms of social control and normalization, to which children were subjected. In the eight hundred's, there was a change in the family model, imposed by the rising bourgeoisie (model based on prevailing social norms), which associated (religious) morality with extolling the value of work, progress and emerging capitalism which, despite having a private, reduced this model to that of the nuclear family, which in its (ideal) space educated and socialized the child (Carrillo et al., 1998). The influence of the bourgeois family model extends and adapts to the lower social classes, leaving aside other models of families that were neglected or considered dangerous in general (Donzelot, 1986). The school itself was also closely related to these family changes. In fact, the Portuguese public school began to institutionalize itself as an educational and socialization space (representation 'child-student'), since the end of the 18th century, with the educational reforms of the Marquis of Pombal and others, not materialized in practice due to later events like the departure of the Royal House to Brazil of the French invasions. Thus, for J. Magalhães (1997: 21), the deficits and delays in the implementation of educational measures (reforms) to "(...) childhood education in Portugal followed the three phases of childhood historiography: protect, instruct and educate".

Instruction has assumed, since liberalism and according to the opinion of the Commission for Public Education (Diário das Cortes - Session of June 18, 1821), the need for elementary education for the regeneration of the people. Despite

being an ephemeral attempt, like other educational measures made throughout the 19th century, there were some of the historiographical interest, for example, policies related to high school education, in 1836 (Passos Manuel), 1844 (Costa Cabral) and 1895 (Jaime Moniz); creation of technical schools by

Fontes Pereira de Melo, in 1860; construction of elementary schools within the scope of Count Ferreira's legacy (Letter of Law of 27 / June 1886); the creation of the Ministry of Education and Cults in 1870; the school decentralization policy made by Rodrigues Sampaio, in 1878, and expanded by José Luciano, in 1881, later changed in 1894 (João Franco); the reforms of Hintze Ribeiro of 1901-02; etc. All these educational policies, with separate legislation, did not improve education, nor did they contribute to making the school a place of attraction (teaching) for many children, who preferred, given the socio-economic situation of families, not to go to school and, illiteracy rates, which, in 1910 was 75%, with 5,552 primary schools, attended by 22% of children.

The school has also become a mandatory space for children from the popular and working classes, who adapted with some difficulties to the schooling process, imposed by the current educational model or, on the contrary, did not adapt to it (school failure) and abandoned themselves. and entered the labour market early. Indeed, those who went to school, especially the working classes, showed deficiencies in learning and adapting to the didactic model of teaching, which focused on the profile of the teacher and without innovations and, therefore, abandoned it early, originating, according to Stearns (2006: 154) differentiations with the "school-child binomial" (activities, academic achievement / success). It is in this Portuguese socio-cultural and educational scenario that children's illiteracy and early school leaving arises, in addition to suffering from abandonment / helplessness (physical, moral) by parents / family and the consequent entry into the exploitation of work, begging, vagrancy, marginality and social deviation. In other words, many of them increased the rates of juvenile crime and delinquency.

On the other hand, we recall that industrialization and economic modernization in the eight hundred's transformed cities, converting some of them into metropolises, such as those in Lisbon and Porto, which was overcrowded with the agglomeration of families, coming from the interior of the country, originating not only a demographic and housing problem, but also a social and labour problem since the supply exceeded employability in these manufacturing, metallurgical and commercial areas. These situations produced misery, poverty and begging and economic difficulties, especially in working-class families, giving rise to types of outcasts (Anderson, 1988). These new stereotypes were associated with the stigmatizing conception and exclusion of many popular sectors.

At the same time, the incorporation of new spaces occupied by rapid urbanization has uncovered new problems, which questioned the relations between the public-private sector, between normalization and imposed socialization and social abnormality and marginalization, as well as key aspects of health, food, housing conditions, family organization, undue behaviour, especially carried out by the 'Other Childhood' (Shorter, 1977). The construction of the image of these childhoods and families made by politicians and government officials, by the press and by scientific discourses on social and educational phenomena began to give visibility, bringing to reflection the existence of collectives of marginalized, excluded and workers in the new (sub) urban spaces, who struggled for survival due to their unfavourable social assistance conditions. There was, therefore, pressure on the State and society for their identity and for their social problems (Aboim, 2006).

In fact, in these human marshes in marginality and social exclusion, where children / young people wandered, in many urban (traditional neighbourhoods) and suburban (slums, hovels) spaces, in inhuman conditions, they were out of place in the environment of a city that was modern and in progress and, therefore, a sensitivity with a subjective dimension was created by social reformers, philanthropist intellectuals, the press and public opinion. It was evident that childhood was the one that suffered most from these deprivations and conditions that dragged her to abandonment, transgression, infraction and delinquency. It was up to philanthropy, with a humanitarian root and moral sensitivity, to bring misery and order closer, but based on science, with the aim of organizing assistance, according to social, political, economic and moral needs. In this pragmatic sense and with an impact on collective interests, of an essentially moral nature, philanthropy (meritorious) intended to reduce the misery and danger it represented in society, minimizing the role of the State. Thus, in view of the State's inability to address social problems, several philanthropic societies or associations emerged from the bourgeoisie, which sought to save children from these environments, considering that one of the causes of their infractions and crimes was due to the surrounding environment and poor socialization (family and society and hence the situations of abandonment and/or helplessness, begging, marginality and other sociocultural deprivations (Castro, 1913; Corrêa, 1915). These children, without having an adequate childhood, started to have a different path and development in their childhood in relation to those who belonged to the wealthy and bourgeois classes, who socialized and schooled under the ideal of modernity and progress (Tomé, 2003).

Those philanthropic societies pushed the emergence of social reforms aimed at children, both in terms of protection (including a child and youth work), defence of health and hygiene (social, school), poverty (prohibition of begging) and juvenile criminal offences (delinquency and criminality). All provisions and measures (legislation), at the beginning of the 20th century, culminated in the publication of the Child Protection Law (LPI, 1911).

This 'Other Childhood' was a concern of liberals and philanthropists, who generated two distinct concepts: children in danger and childhood in danger. These differentiated children coexisted in the same socio-cultural space, some with family and social conditions to have a childhood as normal as possible 'in' and 'for' society and the others were outside these canons of normalization and schooling, with a tendency to delinquent, infringe, and without means to subsist or have an education. In other words, while on one side of society, childhood was normalized in its socio-educational process of growth and schooling, on the other side it was this 'Other Childhood', invisible to the current power, with disparate paths and behaviours, suffering deprivations and creating problems and social conflicts that needed to be controlled by their mechanisms. The result of this socio-historical and cultural existential context in Portugal, of the eight hundred's and part of nine hundred's, there was the appearance of several conceptions of childhoods, outside the normality of the time, members of the 'Other Childhood', which had various designations and concepts, for example: helpless, abandoned, vague, marginalized, undisciplined, 'in moral danger, offender and delinquent. All of them were linked to the idea of immaturity in their infant/juvenile condition, compared to adults, and hence the need to apply correctional education, moral regeneration, welfare and protection.

In educational terms, there were in eight hundred measures related to early childhood education, for example, the creation of the first kindergarten (1882), in Lisbon, on the occasion of the Fröebel Centenary celebrations, which started the appearance of new methods didactics of reading and writing (João de Deus, Feliciano Castilho). This infantile concern implied that at the end of the 19th century there was the creation of day-care centres, encouraged by D. António da Costa (Minister of Instruction and Cults, in 1870), mentioning, for example, the 'S. Vicente de Paulo' in Porto (an initiative by João Vicente Martin), in 1852; in Sacavém by action José A. Braamcamp (on his farm); in Viana do Alentejo, in 1866, by the Charity Association and the meritorious A. José de Sousa; creation of the Nursery Association (commission of ladies supported by Queen D. M^a Pia), in 1875, with socio-educational functions in many nurseries in Lisbon; Nursery Promotion Association, in 1876, on the initiative of José Gregório da Rosa Araújo, Mayor of Lisbon; Association of Nurseries of Santa Marinha (Vila Nova de Gaia), in 1889, by the owners of the newspaper 'O Comércio do Porto', etc. We can say that day-care centres have contributed a lot to collect, assist and care for children, especially the children of working women. Although they initially suffered some criticism, they were later regulated by the diploma of 04/14/1891 (art. 21), due to the influx of medical, hygienist and childcare, paediatrics and paidology discourses. This diploma obliged factories with more than 50 workers to have a day-care centre with hygienic-sanitary, assistance and educational requirements for the collected children (Martins, 2012; Oliveira, 1929).

As a result, those children from working, poor and precarious families were under the influence of/on the street, in moral danger of falling into inhuman and promiscuous situations, marginalization (begging, vagabondage, vagrancy) or social conflict (criminal offences) and crime) and, therefore, the application of protectionist and internment measures. In fact, this wandering and conflicting childhood, weakened in its growth, subject to bad influences and bad education, to the practices of crime or infractions, subject to labour exploitation or the seduction of certain marginalized collectives for begging and/or contraventions, originated a deplorable image in public opinion, in the press and in government. These childhoods circulated and lived in the context of History from below (Hobsbawm, 2002), moving away or not fulfilling the socialization processes (school, social, cultural) imposed by the political-ideological governance and by the scientific discourses of the time. It was for this reason of social deviation that social reformers proposed devices and measures for protection and prevention, care and support for institutionalization. In terms of conceptualization, this 'Other Childhood' presents its own approaches, social representations and nomenclatures (legal, medical, pedagogical or psychological), which (re) built it in time and in the historical space, since modernity, but which, gradually, was acquiring voice (rights) and time (tutelage, assistance, education) in the 20th century, in the context of society.

In the light of the protection of assist-educate and correct-regenerate

At this point, we will analyse the incidence of measures and/or interventions of a medical-social and hygienic nature in children/childhood, especially those considered to be disadvantaged. Since the 18th century, there were institutions of assistance and regeneration in Portugal (hospices, hospitals, inns) linked to mercies, but with little effectiveness in solving their problems in practice, since assistance was practiced within the scope of charity. However, we highlight the creation, by Intendment Pina Manique, of Casa Pia de Lisboa (1780), for stray and abandoned children and, later, in the 19th century, asylums (school asylums) and other Casas Pias (Beja, Paço de Sousa, etc.).

Historically, beneficence has been understood as actions of assistance support to the poor, beggars and vagrants (and prisoners), considered as an intervention, specially made in the religious and philanthropic sphere, crossing private and public actions with the substrate of Christian morality. Let us not forget that in the eight hundred's there were high rates of morbidity, mortality, birth rates and immoral behaviours, which were aspects underlying certain social classes that were more disadvantaged, but which were combined with conditions of promiscuity, begging, misery, and precariousness in the work or unemployment, vagrancy and degraded habitability, in a great epidemic and endemic danger (Gomes, 1892). This scenario forced changes erected by the hygienist movement on the basis of public and private regulation, which articulated morality, regeneration and social order, seeking to avoid unnecessary economic and socio-political costs, due to the loss of lives and/or weakening of the race (eugenics). Thus, the hygienist movement contributed to pressure the State in the need to teach assist and correct those children, in an institutionalized way offering manual, practical, artisanal or professional training (Brazão, 1931).

Actually, hygienist doctors had as an ideological justification the genetic factor and eugenic marriage, as principles for the health of their children. This prophylactic and eugenic mentality guided the sense of prevention, within the perspective of progress and social development in bourgeois society (Fonseca, 1913; Gusmão, 1904). Medicine intended to attack external causes, in a public concern for sanitary-hygienic control of the poorest people and classes and precariousness. In this context, assistance applied to the underprivileged and the poor goes beyond pure charitable and pious assistance (religious in nature), since it affects the defence of society and the protection of honest and good men and, hence, the claim of social control by the liberal state. Among the medical concerns, the problem of infant mortality was highlighted, expressed in a 'mapping of mortality' at national level, which indicated, for example: mortality of the 'exposed' tutored by the Misericord of Lisbon, in the decade of 1890-1900, with a value average of 24.96% for children under the age of one, 20, 96% and for those aged between 1 and 3 years old and with lower values for those over 3 years old (Cascão, 1993: 425-429); between 1916 and 1925 mortality rates were observed in the first year of life, the causes of which were the lack of hygiene, maternal and child care, assistance to pregnant women and the social illnesses of their parents (alcoholism, tuberculosis, syphilis, etc.) (Correia, 1934). The geographical location of those indexes was located in urban and suburban areas, being higher in the north of the country and Porto, as it was associated with the precarious conditions of habitability and poverty of families and illiteracy. Those mortality rates corresponded to the lack of hygiene and dietary rules, which forced hygienists, paediatricians, pedagogues, philanthropists and public authorities to establish dissemination and prophylaxis campaigns (role of the National League against Tuberculosis, since 1898) (Sousa, 1934). There was also the problem of nutrition, height, rickets, tuberculosis and other contagious diseases, begging and child labour. Some of these situations were contemplated with legislative measures from the end of the Monarchy to the end of the 19th century, such as begging and child labour (Fonseca, 1913).

For social reformers to protect early childhood, it was to protect the mother, especially mothers and poor pregnant women and in precarious situations, with the application of assistance measures, childcare, the creation of day-care centres, milk stations and breastfeeding. The medical, paediatric knowledge and assistance initiatives made it possible to combat physical abandonment and the moral and socio-educational aspects of 'Other Childhood' (Bessa, 1955). In this sense, the organicist and ecologist theories had favourable discourses, in such a way that they resorted to designations such as 'regeneration', 'social organism', " abnormalities " and 'social pathologies', " delayed " or 'retarded school', etc. with the intention of conceptualizing society for the social and economic problems of the time. Many doctors, using hygienic criteria, proposed a political-social and legal intervention, in order to fight against certain social diseases, which were understood as a plague contaminating the race and a moral disease of Portuguese society, for example, cases of promiscuity, prostitution, begging, vagrancy, criminality, drunkenness, etc. (Ferreira, 2000).

Evidently, there was a link between the state of poverty/misery (family) and diseases, constituting an irregular chain of poverty - physical degeneration - moral and cultural degeneration - social danger in children. Therefore, it is not surprising that the three relevant themes of the 19th and early 20th centuries for doctors have been combating child mortality, crime (juvenile crime) and the lack of hygienic and prophylactic measures, in addition to illiteracy, since many of these states contributed to increasing the percentages of physical and moral abandonments in childhood by poor and most disadvantaged families. Hygienists demanded compliance with the sequence of 3 'As' (Food, Air and Water) and 2 'Ls' (Light and Cleaning). Indeed, the scientific and instrumental sense of social medicine (positivist influence) was supported by experimental and laboratory rationality. It was directed to know the causes and curb the effects and to find the remedy for diseases, not only bodily but also existing social structures, in such a way that they faced unsuspected human and social realities (scourges such as child and youth mortality, diseases and epidemics, inhumane housing conditions in neighbourhoods and city areas). From the middle of the 19th century, the contribution and investigation of many sciences (medical, legal, pedagogical and psychological, anthropological) conferred, especially in the case of medicine, for autonomy and legitimacy in the salvation of bodies, nation and race.

This development of medical sciences based on the identification of new objects (epidemic diseases, such as tuberculosis, diphtheria, diarrheal/enteritis, chickenpox, lung infections, rickets, etc.) has reduced infant mortality, revealing the social and cultural nature of its causes and preventing the threat and perversity of its antisocial effects, such as syphilis, alcoholism, etc. (Correia, 1934).

The visibility of the social problem of abandoned and disabled children

Within the families (poor, working men/women), children grew up, whose childhood had the street as their usual resource, the search for material sustenance, wandering and roaming, having temporary jobs and/or subjected to labour exploitation, or begging at the doors of churches and public spaces, giving a deplorable setting. In this way, the children lived in abandonment and wandering the city, on a path between police detention, the courts and prison, where they often learned the vices of repeat offenders. The visibility of this 'Other Childhood', in its situations, conditions and social behaviours, bordered the criminal offence, delinquency or criminality and, hence, the need for protection and prevention mechanisms.

The complexity and variability of speeches made from law and pedagogy/paedology or psychology at the end of the century. In the 19th century, paradigmatic images of various conceptions about childhood were born, for example, that of the poor, lazy, helpless, abandoned, vagabond, beggar, delinquent or in moral danger and 'school abnormal'. All these childhoods came from promiscuous means and destitute, unemployed, unstructured, poor and miserable families, many of them incapacitated or unable to care for and educate their children and, from there, abuse them and exploit them at work, in addition to the factors of degenerative inheritance and personality. We believe that there is a link between child and youth work and the crime or unlawful acts, largely due to the incomplete, 'bad' or irregular education given by the family. These disparate childhood work implied a social representation of demoralizing figures and close to the margin and to illegality, such as street vendors, shoe shiners, chimney sweeps, searching and collecting objects and cardboard, charcoal charger in Cais do Sodré in Lisbon, racks selling newspapers, metallurgical or official employees, etc. In fact, the early entry of childhood into the world of work promoted the indignation and moral condemnation of the government and intellectuals (liberals, bourgeoisie) and the sciences of the time, devising devices and measures for regeneration (moral), assistance and the reinsertion of these minors, many of them 'incurable', through education through work, as a therapy for social inclusion and promoting social values in order to be useful citizens in the future.

It is in this social context of the 'Other Childhood' that various institutions arise, some for assistance and education (nursing homes, schools, retreats), others for correction (houses of detention and correction, the first in Lisbon in 1871 and the one in Porto in 1878), and also the correctional agricultural colonies (the first of which was Vila Fernando - Elvas, in 1880). These were models of hospitalization on the medical-pedagogical basis, with prophylaxis and therapy that implies the protection and education of this 'Other Childhood'. The political elite itself, philanthropy and Freemasonry conceived as a social response to the fight against abandonment, the habits of wandering and loitering, delinquency and criminal behaviour, with specific strategies, services and institutions, such as those indicated. In Portugal, there were many medical and pedagogical experiences, for example, those of Aurélio da Costa-Ferreira at Casa Pia in Lisbon.

Likewise, abandonment followed by begging, misery, physical and cerebral degeneration, lack of normal development, food and moral good manners, etc. originated the deviation and social marginalization of many children / young people. It was in this scenario that some scientists dedicated themselves in their studies and discourses in saving those childhoods, basing interventions in the face of situations of criminality and mortality among children and adolescents, influenced by the biological and social deterministic current. The appearance of these scientific discourses, in favour of childhood, promoted the protection of the child, generalizing a set of conceptions related to the situations of these childhoods that were associated with legislative measures (Souto, 1925). In fact, the views on 'Other Childhood', made by the various sciences (legal, medical, pedagogical and/or psychological), brought together the aspects of (social) prophylaxis and protectionism since the middle of the 19th until the first decades of the 20th. This view of the child, as a future citizen, was included by doctors/psychiatrists, jurists (criminologists) and educators or pedagogues in the approach of their projects, considering it fundamental to take care of them, assist them, regenerate them (morally) and educate them. For this intervention, scientific models (from theories, approaches or currents of thought of the time), reproduced in European (Francophone, Anglo-Saxon) and American countries, designated by civilizators and which influenced social reformists, were used. One of the hygienist principles was the school, where doctors, in their medical-sanitary surveillance of school buildings and spaces, of teachers and students and the identification of abnormalities or irregularities in children, watched over the child's most normal development (Brazão, 1931).

On the other hand, jurists saw internment (educational assistance institutions) as a way of preventing and regenerating the social deviation of many young offenders. At the same time, there was a concern for mental prophylaxis aimed at 'abnormal childhood' (pathological), arising from psychiatric and/or medical-pedagogical doctors who demanded differentiated intervention treatments. This concern also extended to children with school learning difficulties - the idiots, the difficult ones (classification of morbid psychology of French-speaking origin), due to lack of attention, instability, apathy or aggressiveness and, therefore, they did not behave as expected in the school and family. Psychometrics and pedotechnics, areas born from the scope of pedagogy and the Movement of the New School, with the use of tests (intelligence) made a lot of screening in the school context, notably those of Binet & Simon and Terman. It was up to the doctors and pedagogues that watchful and intervening gaze, in the school context, to these children (pathological or abnormal school), correctable or incorrigible, that originated educational problems and, therefore, were sent to medical-pedagogical establishments. In this sense, there was in the medical manuals and opposition to the normal term, a diversified set of designations to these so-called 'abnormal' and difficult children, who were, for example, foundling, exposed, idiots, retarded, backward, perverted, weak in spirit, pedagogical retarded, abandoned imbeciles, hysterical, apathetic, aggressive, delinquents, etc.

Hygienist, helped by medical discourses, defended a concept of homogeneous, standardized, normalized and idealized childhood (model of society) and, therefore, children who deviated from these normalizing standards entered boarding institutions (asylum), where prevention, assistance, education and reception measures were applied.

Referring to the representation of 'Other Childhood', there is a double conception of childhood: on the one hand, childhood in danger, benefiting from assistance and instruction, and, on the other hand, dangerous childhood that should be regenerated and corrected or re-educated. In other words, childhood in moral danger had three levels: abandonment/ a situation of helplessness, which caused physical and moral degradation, inhibiting their production capacities and which was taken into account by doctors, hygienists and/or eugenicists; the illegitimate appropriation of their work and the exploitation of their parents or employers, which deserves regulation and prohibition; and the danger of nullifying the child as a future citizen useful to the progress of society, from the 19th century carried out by law (justice and positivist criminology). It was this ideological-political and scientific configuration that represented the child/childhood in their situations of risk or in mortal danger and that was regulated by the Child Protection Law (LPI, 1911).

However, already in the 19th century, the issue of minority (a concept of a minor) and moral discernment had arisen from the legal sphere as a new field of study for children to detect, identify and isolate their (social) problems related to their childhood. Thus, the stereotype of childhood emerges, where the harmful and innate biological factors that characterized it gave way to the valuation of social/environmental factors, such as education, moralization and normalization. Literary, scientific publications and the press themselves, in addition to public debates, legal-political, medical-pedagogical, psychological and philanthropic discussions gave rise to elements and practices of social policy. The new face of the child and their childhood encompassed these discourses. This was the reason for the new social dimension of childhood. In other words, childhood has become a living element in the growth and renewal of the social organism, in which protection was not only a humanitarian work for its salvation and protection but also the defence of society, for the sake of order and social cohesion.

Legal-social intervention to infringing and delinquent children

We have already mentioned that many situations of loitering, abandonment, helplessness; prostitution, social conflict, delinquency and/or infraction were part of the problems of Portuguese society, since the 19th century and going through the 20th century. This scenario implied social policies and legal-social and medical-pedagogical measures related to protection, regeneration (moral) and (re) education (Ferreira-Deusdado, 1890). The approach of these childhood situations and the socially constructed concept of (pre) delinquency, brings us, for example, to the question: of the values, norms and representations of that childhood concerning social and educational normalization (schooling); of differentiated behaviours and intentions (typology of offenders: occasional, statutory or persistent / repeat) and childhood in moral danger later called 'at risk'.

The main characteristics, guiding the specialized jurisdiction of minors, implied, from the Child Protection Law of May 27, 1911 (LPI, 1911): the separation by sectors / levels the minors, separating them from the influences of corruption (adults); the decision of the "*Tutorias da Infância*" with its refuges attached for observation, of a paternalistic nature where the figure of the judge stands out, who guarantees the rights of protection, in order to achieve the re-education of the minor; intervention on (non) criminal behaviours or conduct (pre-delinquent or in moral danger), which is evident in all legislation on the protection of minors in Portugal (1911, 1925, 1919, 1936, 1962, 1977, etc.) (Martins, 1997);

The consideration of the 'pathological abnormal' aspect and social deviation of delinquent children and, hence the medical-pedagogical and then psycho-pedagogical treatment, in the legal-social context of institutional treatment; the diffusion of the reformist ideal of rehabilitation and belief in the change of minor offenders and delinquents (correctable and / or incorrigible), through education (education, religion and morals) and internment (reform schools, reformatories and correctional agricultural colonies), with insistence on learning a trade; the criminal change for the consideration of the minor as a 'being sick' in need of protection and cure, without repression, but with educational guarantees and an individual right to be reintegrated into society as a citizen (Castro, 1912; Oliveira, 1929).

Evidently, in Portugal, the juvenile jurisdiction system, influenced by the restorative model, especially the Belgian one, tried to "[...] overcome protection problems", reconciling this restorative process with justice (Duarte-Fonseca, 2005: 54). However, juvenile offenders with behaviours classified as crimes or infractions, hospitalized in special establishments of the State, approaching the traditional prison model, since this hospitalization represented a solution, with preventive measures applied progressively, through protective and educational means (Pestana 'Caiel, 1935). In other words, this protection was based on the three 'R': regeneration, rehabilitation and re-education. Throughout the nineteenth and twentieth century, there were several models of intervention on juvenile detainees/delinquents, for example:

*-Correctional model (1871-1911), based on correctional pedagogy for serving a closing sentence (prisons such as Limoeiro in Lisbon and Cordearia in Porto, then the Lisbon and Porto detention and correction houses and the correctional agricultural colony of Vila Fernando - Elvas), away from coexistence with the promiscuous, immoral or social scourges of adults, avoiding the recurrence of these situations of marginalization (Ferreira-Deusdado, 1890; Pestana 'Caiel, 1935).

*-Protection model - regeneration (1911-1962) based on the tutelary right of minors and application by the Child Protection Law of 1911, in which children 'in moral danger' (abandoned, helpless), who were the embryo of the crime/infraction had a specific treatment, removing them from the social and family environment and interning them in specific institutions to protect them, regenerate them and convert them into good citizens and learning a trade (Beleza dos Santos, 1926; Ministério da Justiça e dos Cultos, 1931).

*-Protection-Recovery Model (1962-1978) that eliminates the repression of criminal/delinquent behaviour and focuses on prevention (crimes), with the application of protection, assistance and education measures, based on psycho-pedagogical intervention and having taking into account their traumas (psychological, emotional) as a result of their social and school inadequacy. (Lopes, 2010).

*- Absolute Protection Model (1978-1999) that deepens the concept of child/youth inadequacy, incapable of adapting themselves to social reality and, therefore, they are victims of refusal/neglect or family and social incapacity and, thus, in need of moral and intellectual re-education, to acquire self-discipline and maturity, without segregation (Duarte-Fonseca, 2005; Martins, 2016).

Therefore, from the interventions and legal-penal and/or legal-social and assistance measures since the 19th century, child protection has changed. It has become less and less seen as guilty and a punishment (penalty), to be more and more a state 'at risk' or 'in danger', in need of protection, either from their family or from the environment or context in which they lived. Thus, the tutelary right of minors emerged in 1911, with the mechanisms of the Central Childhood Tutoring Centres with their refuges attached, the National Federation of Childhood Friends and employers. Reflections on delinquency or socially offending childhood constitute an innocent and dependent state that requires care, regeneration, education and discipline on the part of the family or the host/boarding institution (Martins, 1997). It is also paramount to highlight the development of criminalist anthropology and sociology (analysis of crimes), psychological theories (the concept of adolescent) and psychiatry (pathologies, abnormalities) that contributed to the analysis of the less positive and criminally condemnable acts committed by children / young people. Thus, the protective movement with its new forms of social control of juvenile offenders avoided the conditions of the child and youth conflict, including external social situations of abandonment and helplessness, with the pedagogical (psycho) movement contributing to this protection based on education and bet on correction and regeneration, which was also disseminated in Europe.

Ultimately, child/childhood redeemers should not be considered liberators and humanitarians, as their reforms did not announce a new justice system, but rather facilitated policies that developed in the 19th century, thanks to the influence of certain sciences. They implicitly assumed the natural dependence of the child/adolescent and created special courts (childhood tutoring) to impose the protection mechanisms and their attitudes towards the offending and delinquent childhood was partly paternalistic and romantic (Lima, 1913),

Although the legislation has a content regulator and governor of the discipline, promoting medical-pedagogical internment programs that required a long period of deprivation of liberty, workshop work and elementary education, (military) discipline, as well as values of the middle class and skills of the lower classes. With the creation of the juvenile courts, positivist ideas of re-education and social hygiene were consolidated, which assumed pathology of the social and a justification for the application of correction interventions that aimed to regenerate the children / young people to adapt their deviant behaviours to the prevailing social normativity. In this sense, there is a radical change in the imposition of measures, based on prevention and the characteristics of minors, in which the 'punishment' is more limited to a therapeutic measure transforming a pedagogical response. Thus, those courts become a device for social control, coercion and the application of re-educative measures, separating 'dangerous' minors (delinquents) from those who were in danger of (at risk). Let us not forget that these protective measures took place in the name of protecting children and the result of which was intended for their well-being.

BY WAY OF CONCLUSION

Throughout the study we analysed the revaluation of the child/childhood over different representations, concepts or images over the centuries that, despite studies on the [Social] History of Childhood and Education, we admit the social interest in value and study (scientific) of the child/childhood, promoting new attention to how she (Burke, 2014). In the aristocracy, bourgeoisie or the educated social classes, there was concrete attention to the child (clothes, toys, literature, education), in an evident differentiation between the adult world and the children's world. The social reformers and philanthropists of the end of the century. 19th and early 20th century. XX promoted measures or actions towards disadvantaged, abandoned, marginalized and delinquent children or childhoods.

These legislative reforms insisted on the importance of the family in society and its role in the education and well-being of children. This social reform policy focused on the protection of mothers and children, responding equally to the social needs, the economy and the progress of science, which were concerned with the situations and conditions of the neediest families, the protection of children and social control. At the beginning of the 20th century, the needs of families helped to define social policies and, as a result, public social and maternal and child assistance to families were implemented, spreading the public and private spheres (mercies). At the same time, child and youth work was prohibited and regulated in relation to age (from 14 and 16 years old), as well as the establishment of compulsory schooling and converting the child into a student. The liberation of children from the most disadvantaged classes of work has become a basic element of the very conception of childhood, giving importance to their normalized development of socialization and well-being.

In the liberal era, philanthropist benefactors thought that minors should be isolated from adults in prisons, but under surveillance, to recover the values necessary for (re) insertion into society. Legislative reformers proposed an extra-prison way to place guilty minors in workshops to learn a trade (children were placed as apprentices in families of artisans or cultivators) or in employers (associations or protective societies) under surveillance during their detention and monitoring socio-educational in the early days of leaving. These social responses allowed, to a certain degree, for the responsibility and moral conversion of the juvenile delinquent, but with the intention of neutralization. On the other hand, historic-graphically, we can distinguish three successive periods in Portuguese history from the social deviation of children and adolescents, since the 19th century. In the first period, until 1871 (creation of the House of Detention and Correction of Lisbon), the child is guilty, because they are responsible. Disadvantaged or socially deviant children were considered guilty of their actions, and the State, through prisons or detentions, was responsible for neutralizing and correcting these deviations (Ribeiro, 1902). The liberals believed that the prison environment would amend or morally correct the guilty 'minor'. Religion and work, especially in rural areas, could save underprivileged and vagabond children, who were unaware of the essential values of life (discipline, persistence and effort) and who caused behavioural and criminal deviations (Ferreira-Deusdado, 1890).

In fact, the minor offender or with anti-social behaviour was considered to be a constitutional anomaly of the individual's tendencies. The smallest offender is a patient affected by early perversions of (social) instincts. Instinct is understood as a multiple and varied tendency, fixed by heredity (genetics), reinforced by the habits and the education received. Thus, the lesser pervert had affected the social instinct. With the impetus of psychoanalysis, the concepts of delinquency were enriched, emphasizing the affectivity factor. Affection becomes a primordial and explanatory notion of individual and social daily life, associated with the role of the environment in the constitution of norms, by which the individual responds to the influences of the environment. Affective disorders are born in childhood, in the family and are preponderant in the effects of these deficiencies in the development of juvenile delinquency and deviation.

Children found guilty are victims of heredity (genetic determinism), living conditions and the environment or both. For this reason, juvenile delinquents are not as such criminals that they need to be punished, but sick people that must be treated, when they manifest their acts (illegal, criminal), disabilities, pathological, physical or mental misery, sometimes unsuspected (Santos, 1938). One of the problems at the time, as today, was the number of juvenile offenders and the growing severity of violence and crimes committed by minors. With the Child Protection Act (LPI, 1911) in the 1st Republic (1910-26) the State started to protect and educate minors (abandoned, helpless, delinquents, undisciplined and in moral danger) with the implementation of the tutelary right of minors. This diploma was based on three fundamental principles: preventive, guardianship and individualized.

Portugal was one of the first European countries to create legislation of this nature for the benefit of children/childhood, in which childhood tutoring, had a paternal air composed of a judge of the law, a doctor and a teacher. Minors were detained and taken to the Central Tutorias de Infância, after a period of observation and diagnosis (in the 'Refúgios' attached) and a judicial investigation was tried. The decisions were different: some were reprimanded, admonished and others were under probation; others interned in special public establishments (correction houses until 1911; central reform schools and correctional agricultural schools, 'between 1911 to 1919'; reformatories from 1919 to 1962), in addition to regeneration schools. In this institutionalization of the minor, who remained in these establishments until the age of 16, 18 or 25, a re-educational pedagogy was used, based on the model of medical-pedagogical treatment. A Lisbon Children's Semi-Internship (Dec. Nº 2.053, of 11/18/1915) was also created, for children aged 12 to 16 years old, typified as mistreated, abandoned or discarded, judged by the Tutorias. The majority of these children regenerated themselves educative and morally, and with the help of the employers they were inserted in the social life, with greater or lesser difficulty, others fell (recidivists), remaining marginal and bitter in their lives, delinquent and being again prisoners (prison schools for those over 16). In other words, the 'Other Childhood' that passed through the Tutorias presented instability, disobedience, indiscipline and behaviours marked by automatisms inherited by their life experience on the street, as well as being often reserved and traumatized (Santos, 2002).

In summary, the phenomenon of Portuguese delinquency, due to its social visibility, throughout the period of our historical analysis, was the reason for the intervention of several models:

(a.)- Punitive model - sanctioning based on the application of punishment in the face of the crime, considering the punishment as a double (positive) effect: to deter the aggressor/offender from ever committing crimes/transgressions (individual prevention) and warning or sanctions of what may happen to him whether they continue to commit such criminal situations (generalized prevention). It is a model of retributive justice that has limitations in terms of reparations (victim as a whistle blower and denounced aggressor), reconciliation (handling the conflict between the parties) and resolution (application of protection and internment measures). The sanction did not imply a reduction in the infractions because there were repeat offenders, nor did it contribute to the development of an autonomous morality, being the authority or the power of the court (penal codes of the 19th century) that resolved the criminal conflicts, but the traumas of the victim and the guilt of the aggressor remained.

(b.)- Relational victim model - aggressor that introduces reparation, resolution and reconciliation of the parties, transferring jurisdictional power to the relationship of a direct communication of those involved, who have to seek to regenerate themselves, through educational or correctional action. It is a model of a material or moral restitution, based on justice, favouring an autonomous morality, expression of feelings and vision of the conflictive and/or criminal problem, seeking to supply it, through the capacity for personal maturation, in which education through work was ideal, but did not intervene in interpersonal relationships, from the point of view of prevention, with no effective and spontaneous dialogue.

(c.)- The integrated punitive model - relational model, joining the two previous models, establishing a set of rules and corrections that contemplate dialogue procedures (mediation), as a model for conflict resolution. It considers the knowledge of social norms and coexistence regulations (institutional and socio-educational) fundamental, as it integrates aspects of the models of restitution (moral and material) and retributive of justice. In other words, its detachable elements affect the system of norms elaborated in a participatory way (pact or consensus of coexistence), mechanisms of dialogue and conflict resolution in the host institution that protected on the basis of education.

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