

## Analysis Action to Protect Juvenile Delinquents in Portugal and the Written Work of Father António D' Oliveira (1867-1923), On the Centenary of His Death



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**ABSTRACT:** This year we celebrate the Centenary of the death of Father António d' Oliveira (1867-1923), who was a pedagogue dedicated to the protection of children, mentor of the Child Protection Law of 1911, with which the Guardianship Law of Minors began in Portugal. The objectives of this historical-described and documentary research are inherent to the three established objectives, resulting from our hermeneutic approach to his written work: analyzing the texts hermeneutically and in terms of organizing their content; interpret some content 'evidence' from a (socio)pedagogical and social pedagogy perspective; analyze, based on father Oliveira's thinking, the protection and re-education of childhood, with reference to the Child Protection Law, of May 27, 1911, which initiated the guardianship rights of minors in Portugal until the end of the last century. In conclusive terms, we will summarize a set of ideas, which should be included in the History of Education and/or Social History of Portuguese Childhood, in this celebration and fair tribute to this social pedagogue.

**KEYWORDS:** Father António d' Oliveira; Correctional pedagogy; Social education; Minors delinquents; Child Protection.

### INTRODUCTION

In this commemoration of the Centenary of the Death to Portuguese pedagogue Father António d' Oliveira (Lamego, 1867; Lisbon, 1923) we analyzed his work and interventions in relation to the protection of minors in the Lisbon Detention and Correction House taking into account his admirable life, which in such a profound and sensitive way in the face of childhood problems we were able to observe, being a precious encouragement of incessant and effective work in favor of the rights of all children, with particular attention to those who, for various reasons, find themselves in situations of special vulnerability, exclusion or at risk.

Effectively, the objective of our study, of a historical-descriptive and documentary nature, in the referential framework of his written texts (primary sources), which are the structural 'corpus' of our significant analysis in terms of interpretative content, intends to remember father Oliveira and rescue him for the History of Social Education and Social History of Childhood in Portugal, through our hermeneutic analysis of his thought and written work. It is in historiographical and temporal ties that we want to deepen the ideas shaped by this pedagogue, which are articulated with foundations of criminal sociology and/or anthropology, correctional pedagogy, social pedagogy, medical-pedagogical treatment and educational methods in boarding school treatment. for minors (delinquents, offenders). This historiographical intention promotes the social and educational memory of characters, such as that of Father Oliveira, anchored in the historical time and space of the 20th century.

The text is structured in three points, resulting from the hermeneutic (analytical) approach to the primary sources of the pedagogue father. Firstly, we will perform this hermeneutic analysis of the written work in terms of the organization of its essential content. We then interpret some content 'evidence' from a pedagogical and social pedagogy perspective. In a third point, we will address, based on father Oliveira's thoughts, the issue of childhood protection and the re-education of detained delinquent minors with reference to the Child Protection Law of May 27, 1911, which initiated the guardianship rights of minors in Portugal until the end of the last century. By way of 'concluding', we will summarize a set of ideas, which should be retained in this celebration for the History of Education and/or Social History of Childhood and which characterize this social pedagogue, in a fair tribute.

### 1.-Hermeneutical Analysis Of Father Oliveira's Written Work

The first book written by father Oliveira (he had previously written articles in periodicals) was 'Criminality - Education', published in 1918, of the nine books published. In his literary work he analyzes, through rigorous observation, the minor delinquents admitted to the Lisbon Detention and Correction, which was located in Mónicas (1899-1903) and, later, in the Convent of the Cartuxa, in Caxias (1903- 1911). This in-depth study was limited to their relationships (groups of minors known as 'troupes'),

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educational activities (instruction, workshops) complemented by investigating their backgrounds and the type of environment in which they lived (Oliveira, 1923f). Throughout these experiential narratives he addresses topics such as: the first impacts of entering the House of Detention and Correction; penal codes and delinquent children and the lack of a code for childhood; the role in the regeneration of correctional houses at the time, within the framework of other institutions such as prisons for minors, asylums and hospices, which were transformed into (re)education establishments; his discontent with the degeneration of the Portuguese people (eugenics); the degradation of childhood due to situations of abandonment, helplessness and social deviation; the characteristics of correctional officers' families on visiting days; the entry and journey of institutionalized minors and their adaptation; the house of correction, in its disciplinary structure, governance and school for perfecting passions, vices and crimes; the study of juvenile criminals in their groups ('troupes'), in their tendencies by generation or by imitation; the defects of (bad or lack of) education and generational vices; etc. When approaching these themes, the pedagogue priest seeks (theoretical-practical) support for his reflective discourse on childhood, referring to numerous thinkers and personalities (Costa, 1945).

In fact, Father Oliveira had a clear perception that it was not possible to educate inmates if the institution did not transform this 'prison' into a true 'School' of (re)education and social reinsertion. In his educational activities, he sought to ensure that religious values, the value of work and love for the country were always present and, as far as possible, integrated. To this end, it created a socio-educational training program based on the trilogy '*God, Country and Work*', starting from temples at the entrance of the institution. This institution, from 1903 onwards, was renamed Central Reform School, structured educationally: with elementary instruction associated with manual work (and technical drawing), choral singing and music (with an orphan and a band), to pedagogical gymnastics, the 'lesson of things' in the pedagogical museum, school gardens, workshop learning and the respective school savings fund, etc.

His theses on correctional pedagogy and criminal sociology were oriented towards "*Putting the social body safe from crime, giving the family, the school, the workshop, the courts and the police the mission of preventing crime in new generations*" (Oliveira, 1918, p. II). It recognizes that these assumptions were not possible in a single generation, as it required the articulation and cooperation of social and educational services and institutions, which, on the one hand, led to changes in legal laws and bureaucratic/administrative customs and, on the other hand, which transform people's mentalities, regarding protection, prevention and social prophylaxis (Oliveira, 1923b, 1924 a).

Father Oliveira had initially planned to publish a total of twelve books, some would be a sequence of others (volumes), with the remaining eleven divided into two series. In our hermeneutic analysis of the written work it covers the publications: 'Let's save the race'; 'Let's Leave the Parents, Let's Take Care of the Children'; 'Infamous Way'; 'Panaceas, Patients and Clinicians'; 'Bullying'; 'Crazy, without sense, crazy with sense'. The second series of books includes the following titles: 'Generation, Education and Art'; 'Let us unite'; 'Childhood Tutoring'; 'National Federation of Children's Works'; 'From Shepherd of Hard Souls'; 'God, Fatherland and Work.' These last four publications remained in draft form and/or in manuscript (disappeared, having been handed over to M. Lima Barreto and A. Ilídio Teixeira de Vasconcelos). We are not aware of your publication.

All of his work is part of a series of books, which did not give the author enough to pay for a pen or an ink bottle (Barreto, 1931). The most serious thing of all is that, both then and now, the books were not known, not even the scholars themselves. However, these examples should be available to educators, pedagogues and jurists to reflect and draw conclusions. With these books, Father Oliveira sought to make readers feel what he observed, experienced (scientific experience), read and experienced on the various issues related to the problem of child protection and correction of young delinquents, which was, on that occasion, as it is today, a worrying problem in all countries. It was necessary to educate the new generations in their basic values, eliminating the various social scourges that threatened degeneration (the specter of tomorrow, a dark and gloomy specter), which shadowed, mainly, the family, the country and religion. Following many of his contemporaries, Father de Caxias emphasizes the influence of these factors in the "degeneration of the Portuguese, causing the withering away of the '*Portuguese race*' (Oliveira, 1923 a). Therefore, he alerted them to their multiple origins: pornography, prostitution, syphilis, alcoholism, tuberculosis, rickets (moral and physical), gambling, smoking, illiteracy, emigration, child labor, smuggling, illegitimate children, family disorganization, infant mortality rate, increasing increase in begging, vagrancy and crime, etc. (Oliveira, 1923e, 1924a). Most of these evils, bad behaviors, vices and defects came from the period of childhood/youth, due to poor parental education or lack thereof (abandoned, helpless) or school and social indiscipline (Oliveira, 1924b).

The good father insisted that the Portuguese are 'crazy people' by imitation' and 'manual producer by inheritance', because he did not adapt, due to lack of will, continuity and perseverance in the effort to 'do', needing to 'excite himself' (imitation) and being 'excited' (good example) to perform your work well (Costa, 1947). At the same time, it values the qualities of the Portuguese, in particular, those that are most useful in the world of work: work capacity (manual strength), the spirit of initiative and self-control (Ramos, 1947; Gomes, 2001). This discourse, very characteristic of certain educational currents at the beginning of the century, influenced educational policies in the 1st Republic (period: 1910-1926) and continued, albeit with different institutional and ideological configurations, during the Estado Novo (1928 -69).

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All the titles of his nine published books are subordinated to his great concern: recovering the values of the Portuguese people and their history, based on the value of work (productive sense associated with the executive and innovative sense), education (general instruction associated with professional training), innovation (scientific knowledge), good ethical example in coexistence and personal relationships (moral, civic and social education) and good active insertion in society, duly qualified. Only in this way would society improve, contributing to its progress and the happiness of citizens (Oliveira, 1924b).

Therefore, the written work of this LPI mentor (Portugal, 1911), presents great value for the pedagogy of juvenile delinquents, for social pedagogy/education and juvenile crime, impregnated with pedagogical, sociological and legal-social content, the result of his observational experience and direct contact with minors (inmates) and notes on their life narratives or sacred paths of crime, marginalization and criminal offenses (Oliveira, 1923e).

### 2.-Interpretation According To The Evidence Of Pedagogical Content

the articulation between the hermeneutic analysis of the texts and the actions carried out by Father Oliveira constitutes our historiographical and scientific objective so that, in the light of the present, we can reflect his ideas on child protection, the re-education of delinquent minors interned in guardianship establishments, childhood prevention and the behaviors and attitudes of marginalized children/young people at the time.

From the content analysis to father Oliveira's written work, we highlight four categories/themes, with the respective subcategories that intersect or spread within those. Thus, it describes experiences, events and the application of re-educational measures; the protection and prevention of children and youth, referring to legal legislation, guardianship services, the need to protect and promote minors (guardianship rights of minors), based on appropriate treatment, whilst also criticizing the current criminal code; child and youth crime, the typology and classification of offenders, the institutional correction process and disciplinary measures; and the educational application of his trilogy of '*God, Country, Work*' as a future basis for the training of future generations. Thus, from the hermeneutic process of analyzing the texts, we highlight five key pillars, which underlie his thinking and socio-pedagogical actions carried out in favor of minors.

**(1)-Education/training – School.** The Portuguese pedagogue incessantly criticizes the education policies of the 19th century, the so-called traditional education as a 'walking' school, for being memory, expository, impeding students' interests and motivations, not at all creative and stimulating for students' learning. It proposes a school 'refunded' in the new ideas and pedagogical methodologies of the Escola Nova movement, better teacher training, changes in school organization and the educational system (Martins, 2015). Commitment to a 'dual' training system (coinciding with Kerschensteiner), that is, the student should have general preparatory training (basic instruction) and, simultaneously, professional training. For him, teachers (prefects-teachers in boarding schools) had to be a 'living' model of ethical-moral and civic virtues, with skills in the field of knowledge and culture, in order to promote healthy and healthy skills and habits. purifying your character. He was a supporter of education through action, even wanting teaching, from school onwards (instruction) to be attractive, utilitarian, without putting aside theory, as this can give rise to and develop the spirit of invention (Oliveira, 1923 a: 44- 45), meeting the student's interests. In this context, it proposes a practical pedagogy, structurally based on the triad: God (moral, religious and values education); Homeland (general education based on Portuguese culture, history, tradition and customs, a so-called national education); and Work (educating and training with dignity for specialized work). In this systemic education, social prophylaxis was articulated, between the institutions '*family - school - assistance*', and social therapy, which included institutions aimed at surveillance, hospitalization, internment, correction of stray, sick and abnormal children (Costa, 1952).

**(2)-Child/minor.** The Portuguese liberal monarchical state of the 19th century. XIX had drawn up a set of rationalizing and supervisory laws and regulations, worrying about 'abnormalities' (children's and juveniles), illegal and delinquent behaviors, in order to protect these minors against arbitrary power and, simultaneously, creating institutions of correction (Lisbon Detention and Correction House, in 1871). Father Oliveira (1918, p. 164-182) considers that the child is not a miniature adult, as he must be understood in his stages of development (physical, moral, psychological, cognitive) and treated as a 'person', a being who needs special educational care based on values.

“(…) the cause of the child represents, ipso facto, the morality of the family, the prosperity of nations and the greatness of humanity. But the child, the man of tomorrow, as weak, must be protected; as an innocent, it is necessary to respect her; as a criminal, it is necessary to reform or neutralize it. The problem of juvenile crime is, therefore, a vital problem” (Oliveira, 1918, p. IX).

Special attention had to be given to children in the family and at school and, in particular, those who are abandoned, helpless, marginalized, undisciplined, delinquent and in moral danger, with protection and prevention measures (devices). He considered children as: “*the basis of societies, the raw material with which to build and cement foundations, the uncomplicated architecture of a new, solidly organized nationality.*” (Oliveira, 1918, p. 172). In order to guarantee their protection and full development, he worked towards the drafting of the LPI-Child Protection Law and to prevent situations in which the child was considered to be in moral danger and, therefore, subject to the need for an educational assistance measure. or legal-social. The State

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thus assumed responsibility for children in terms of their education, training and personal/social development, with parents being held responsible.

**(3)- Delinquency and crime - children and adolescents.** The pedagogue father criticizes the penal codes that imposed the same penalties on minors as on adults, regardless of their level of discernment and typology (diagnosis). He knew that crime was sometimes more difficult to 'cure' than 'physical illnesses'. He compared the criminal to a sick person (influence of the positivist school), because when considered dangerous, he infects and transforms pre-delinquents or occasional delinquents for the worse (Oliveira, 1923f, p. 32-36). In childhood tutoring and refuges, the judge (assisted by the doctor and teacher) acts like a good priest who advises and accompanies his 'child', establishing measures appropriate to the typology and characteristics of the crime committed (Barreto, 1931). It classifies criminals as occasional (treatment by intimidation), habitual (treatment by correction) and incorrigible (treatment by 'inocunization'), applying social therapy to them (Oliveira, 1923f).

Based on the theories of modern criminology, it proposes a special legal and/or legal-social treatment, on the scientific basis of screening and investigating the causes and factors of states or situations of delinquency and criminality (Gomes, 2001). It regulates, at an organizational level, institutions intended for undisciplined, delinquent and abandoned minors (internment establishment) and establishes socio-educational measures of re-education and correction for minors (treatment models: medical-pedagogical and socio-pedagogical), extending to regimes of semi-freedom and monitoring integration into society (social educators). Furthermore, it criticizes the abandonment, helplessness, marginalization and use of children, by their parents, in begging, vagrancy and frequenting promiscuous environments, which push them towards immorality and crime (Júnior, s/d).

**(4)-Spectrum of Families in social exclusion influenced by the scourges of the time** (unemployment or temporary jobs, poverty/misery, illiteracy, vulnerable conditions, large families living in inhumane housing conditions, begging, marginalization, etc.). Father Oliveira believes that the family is the cornerstone of a society, at the base of values and beliefs, but he was concerned about his degeneration and that of the people (social body), due to the lack of education of parents towards their children, the promiscuity and vices (gambling, alcohol, drugs, smoking, prostitution, pimping, vagrancy, crime), which caused social scourges to throw those infected with (social) diseases into hospitals, those with madness (disabilities) into asylums and immersed in moral misery and sent to prisons. He was concerned about the destruction of the family and/or homes, analyzing the situations of the 'homeless', 'empty home', 'stormy home', 'disorganized home' and the house of the 'illegitimate mother', the 'strange house', the 'street' as a scene of addictions, etc. (Oliveira, 1924a, p. 123-127). It was necessary to regenerate mental, physical and moral weakness, from the family, through school, so that children do not fall into situations of conflict and social difficulties and states 'let us leave our parents and take care of our children'. It is in children that these social evils and bad education are educated and regenerated (Costa, 1945; Ramos, 1947).

**(5)-Nation/Homeland – formation of future generations.** Father Oliveira, in line with the eugenics and hygienist of the time, recognizes qualities and imperfections in the Portuguese people, but childhood/youth have degenerations that require prophylaxis and social therapeutic measures. From his perspective, the Portuguese lacked 'what' other nations had:

“(...) first, my deep conviction that Portugal possesses within its great soul all the essential gifts and skills to be admired and respected in the world of work; second, the conviction that I also see that in the country there is a school of men capable of inciting work and order, a race that at all times needed to be excited” (Oliveira, 1923 a, p. 59).

For him, the progress of a country is based on the education and training of its citizens, starting with the new generations, valuing what is good we have, the result of history, culture and customs (Oliveira, 1924 a, p. 205- 228). This objective was only possible, from his perspective, if we instill in these generations perseverance and common will, through thought and action (practice), knowing and doing with productive intelligence and acting with sensitivity (sense) (Oliveira, 1924b, p. 320-329). These concepts give confluence to his thinking and his written work (collection of books). We established three basic criteria in the composition and organization of the texts: the context of the edition (chronology of publication of works), the themes of approach (typology of themes); and content categorization (internal analysis). We considered the following analysis phases: the pre-analysis phase (procedures for choosing the texts, in a set analysis (establishing categories); the exploration of the texts in each text and in the set of selected works; and the interpretation through internal content analysis.

From this methodological and hermeneutic procedure, we highlight from Father Oliveira's thought '*five philosophical-pedagogical descriptors*' (concepts), which from his perspective were essential to the formation of Portuguese intelligence:

\*-Ideal/Innovative ideas (creative). Human beings must seek improvement (learn to learn), with rectitude in actions (values). It combines the Portuguese ideal with history and culture, expressing some Platonic and Fernando Pessoa residues, criticizing the tendency towards corruption by the sensitive world and exacerbated materialistic selfishness. The highest ideal for Father Oliveira is God (human values) and then the Fatherland (history, culture and language). Phenomenologically, the Portuguese ideal and the Nation's ideal lies in the prevailing value at the time and in the 'sense'/intelligence, which determines the action of the people, in the various areas of knowledge and culture, for progress and social well-being.



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\*-Will/effort. Human beings are influenced by their surroundings and relationships. All of our behavior is explained by what precedes and surrounds us: the human capacity to be, think, want, feel and live together. The 'will' for Fr. Oliveira is the impulse, the energy, the operative tension ('elan vital'), that is, the principle of human action. For him, the education of the will must come from moral education, instruction, the formation of good habits, virtues, the education of intelligence, aesthetic education, etc. (Martins, 2015). Achieving things is done with will and effort, with enthusiasm and pleasure (ethical and educational voluntarism), with perseverance, but always doing good (human values).

\*-Feeling/sensitivity. The feeling is related to the state of mind and the (pre)disposition manifested by the Portuguese person or by the minor in particular, to act, considering the (natural) tendencies, emotions, sensations and passions (Pascal), which sometimes they are dominant over rationality. Based on M. Scheler's perspective, he believes that feelings imply sensations (organic scope), sometimes acting independently of them, which causes uncontrolled impulses and forms in the normal way of being. He accepts H. Bergson's theses that feeling is irreducible to sensation and, therefore, there is infra and supra intellectual feeling (Martins, 2015). It is located on the border of phenomenology and existentialism, considering that in minor criminals, feelings influence reason, revealing realities, values and aspects of things, which are not factual (Costa, 1952). He admits, like M. Scheler, that love and values, more than intellectual knowledge, reveal to us the beloved object (the other, the Homeland), with value and dignity. Therefore, he proposes to educate feelings (pure) and sensitivity (the Being), starting from action, since feelings evaluate actions in life (Oliveira, 1923e).

\*-Learn (learning), educating yourself. For father Oliveira, education constitutes a social function (Durkheim's theory), with the action being carried out on students, especially in the younger generations, in order to insert themselves as citizens in society. For him, learning is the object of developing inner faculties, perfecting capabilities and values, since 'any and all education must be within the learner's educability' (Oliveira, 1924b, p. 314). Qualify the Portuguese in everything they should know how to do, according to their skills, with the school being focused on life (Martins, 2015).

\*-Educate for a trade/profession (qualification/professionalism at work). Educating for work meant adequately using intellectual, moral and technical organizational skills. Father Oliveira (1924b) relates this concept to that of civilization and progress (individual, social), only achievable through an education that socially and anthropologically values work (social doctrine of the Church). It is the practical action of human beings in transforming themselves and transforming nature (society). The ultimate foundation of this valorization of work is the dignity of the human person (personalism, humanization).

Therefore, the organization of the selected texts followed a logic of inclusion in the work and relevance in the author's thinking. The intention of this selection of texts from Father Oliveira's written work is to value his thoughts in light of the context of the time, revealing the meaning of his ideas and speeches (hermeneutics of Gadamer and P. Ricoeur). He was a man concerned about children, childhood, minors and the Portuguese family in situations of degeneracy and disabilities. It narrates the reality, the other reality unknown to society, that of the offending child (crimes), marginalized, in deviance and in moral danger, that of the childhood in need of protection and prevention, that is, of social therapy and prophylaxis, with the intention of what

"Social prophylaxis must include the resolution" of issues related to the family, school and assistance, of "the problem of conservation and progress of the race, with the main objective – the preparation of families, physically and morally healthy and economically prosperous. While social therapy (...) has as its sole objective – the reduction of illness and evil beings" (Oliveira, 1918, p. CXVIII).

The pedagogy of his narrative expresses the reality of the time and gives us a realism and a descriptive and critical knowledge of the characteristics and situations of minors, legally designated in social difficulties and social conflict, institutionalized or in their 'habitat' of perversion. This entire reflective vision was based on two core sources: the experience acquired in the boarding school (Lisbon Detention and Correction House), visits to prisons, re-education and/or confinement establishments, their functions (chaplain, deputy director, superintendent of houses of correction and inspector general); and detailed observation (ethnographic, anthropological, socio-pedagogical, psychological and criminological) and empirical methodology (fieldwork) with institutionalized minors (field notes). His actions are a good instrument of reflection for today, when the same problems of delinquency, crime and education are still the drivers of the concerns of politicians and educators (Costa, 1952).

### **3.-Protection And Re-Education Mechanisms**

After the implementation of the 1st Republic (05/10/1910) the Provisional Government assigned father Oliveira to several service commissions, but the mission that pleased him most was the one proposed by the Ministry of Justice, Afonso Costa, to carry out part of the Commission to prepare a child protection project (childhood code). It is true that he was the mentor of this legislation – LPI, since his vast experience in correcting delinquent minors allowed him to establish protection measures. Later, as inspector responsible for judicial and guardianship services for minors, he knew how to choose his collaborators and employees, having instilled in them the principles of the LPI, as for him "*each individual must have a high understanding of their duties and responsibilities, a perfect knowledge of his profession and a great love for it*" (Oliveira, 1924 a, p. 302-303).

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He lamented that one of the problems of the Portuguese, since they are excellent workers outside their homeland, is that they need someone ('that') or 'stimulant' who motivates them in their qualities and can have pride and persistence in what they do: *"(...) it is through the excitement of the senses that intelligence is most easily awakened (...)"*, that is, through the *"sensitivity of the intelligence and the will to do, as it is through the "excitation of the moral forces that the physical forces come into activity"* (Oliveira, 1924 a, p. 310 and 314). All this pragmatic thinking is the result of his observations, experiences and practical experiences, portrayed in the narrative of his writings. In the words of the child protection mentor (Oliveira, 1918, p. X and XI):

"Improve a minor criminal, improve the greatest number of minor criminals, improve them all, that is, to replace the rusty symbols of the sword and the scales, the motto of the banner of a new idea that will be wielded by a new criminal Justice, humanized by the principles of nature, whose mission is to prepare a future good, instead of avenging a past evil! Such Justice will not be a blind symbol, conceived by a spirit of revenge; it will be a clairvoyant being, born of nature itself; It will not be an empirical conception, like the science that has inspired and directed the old Justice, it will be, in fact, a positive discovery, which emerged from experience and analysis!"

The situation of danger is only contemplated in the measures that the juvenile guardianship courts have the power to apply, according to article 17 of the LPI (Portugal, 1911), in which *"(...) in relation to minors who, before reach the age of 16: a) Are subject to ill-treatment or are in a situation of abandonment, helplessness or similar, capable in one or another case of endangering their health, safety or moral formation"*. Even so, in these situations, minors were considered to be in a situation of pre-adaptation, in which, *"the intervention of the State is justified only by the danger, still distant, that the minor may later find himself in one of the remaining situations generally foreseen in the law and that it is preferable to prevent rather than try to remedy late and at bad times"* (Portugal, 1911). Father Oliveira (1918, p. 97) refers

"*(...) certain individuals are easily what certain environments that they go through make them, even after having been properly educated, and because others, possessing profoundly bad natural dispositions, which were not contradicted from the beginning, always resist, and tenaciously, the influences, even the most beneficial, of education. In any case, the education received at a boarding school is unfortunately worthless against the bad suggestions of any social environment."*

Children were held responsible for their situation, being seen as a potential delinquent that must be "stopped", with the State taking on the role of guide and educator for these children. Minors were subject to the application of measures until they reached the age of 16, with the possibility, in exceptional cases, of them also being applied until they reached the age of 18. These measures had no time limit for their application. The Child Protection Law (LPI), of May 27, 1911, was not only an innovative document for the time, but also has a clear vision of the difference between children and adults, considering that they must have different judicial treatments. Portugal is thus one of the first countries to introduce into its judicial protection system the protective and pedagogical objective of this type of intervention, which was previously based on the individual's responsibility and social disapproval of their conduct.

That piece of legislation provided not only for judicial intervention in cases of delinquent minors, but also for protection in situations involving minors who were in moral danger. With this law, minors under the age of sixteen became criminally imputable and began to appear before special courts – the Children's Guardianships – according to particular rules of procedure, applying their own measures, essentially different from those in force for adults. Father Oliveira (1918, p. 80) argued:

"*(...) under no circumstances, absolutely none, can neither the inmates, nor their families, nor even the magistrates or other employees who live outside the Corrections be the competent entities to determine the precise time, rather, the moment psychological to launch into the midst of society, an individual who has been hospitalized, and therefore outside of it, with an artificial and artificial way of life, entirely different from the reality of life!"*

The measures applied by Child Guardianships no longer have a punitive and repressive nature, arguing that defending and improving the state of minors means fighting within them or in their natural environment the cause of their criminal conduct. The LPI also created the National Federation of Friends and Defenders of Children, a legal body made up of several official and private institutions, which aimed not only to prevent and publicize children's interests, but also to coordinate educational institutions to assist with tutoring, in the execution of judgments relating to minors. Together with the Ministry of Justice, the Superior Board was established, which had a permanent executive committee (established for the first time) to protect minors in moral danger. For the situation of minors in moral danger, they could be handed over, depending on certain situations, to assistance institutions or to institutions of the Federation where they would later be sent to foster family homes or to educational establishments of a preventive nature. In legal terms, the wording of the LPI was only regulated, with the introduction of changes, by Decree-Law n° 10767, of May 15, 1925 (Martins, 2015).

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### **SOME INCONCLUSIONS IDEAS**

Father Oliveira contributed to the promulgation of a protective right for childhood, which would emerge with the LPI (Portugal, 1911) where the ideas of correction and re-education mix with assumptions originating from medicine (hygiene, prophylaxis and social therapy), law (criminology), sociology and social pedagogy to minors at the time. The pedagogical aspect influenced the priest, who saw internment as a way to correct certain antisocial behaviours, with medical-pedagogical treatment and re-education of the minor. The hygiene of the time, the basis of the technicalities and consolidation of the State, was the battle horse against the prevention of socially deviant behaviours or those considered socially undesirable, in addition to combating the 'abnormality' of some strata of the population, in a link between poverty /misery and marginality or deviance. The social reform movement, with a multitude of intellectuals, philanthropists, politicians, jurists, doctors, sociologists and pedagogues, of which Father Oliveira is a member, crystallizes a new legislative body with specific (guardianship) norms in favour of the protection of children. At the same time, correctional institutions and re-educational practices were created based on education and work, in a differentiated approach (correctable and incorrigible), removing minors from the rights and penal codes of adults, from the 19th century. In this sense, all hygienist and socio-pedagogical contributions intersected with social positivism, postulating a preventive, prophylactic and reforming intervention to correct the social and moral deterioration to which minors in moral danger, dangerous and delinquent situations were destined (Barreto, 1931; Gomes, 2001).

When remembering the Centenary of the Death of Father Oliveira (1923-2023), we analysed his written work and interventions in relation to the protection of minors, taking into account his admirable life, of dedication to childhood and sensitivity to their problems. We were able to see their contributions to the emergence of protection legislation (guardianship rights of minors) and in favour of the rights of all children, with particular attention to those who, for various reasons, find themselves in situations of special vulnerability, exclusion or at risk (Magalhães, 1922). From the analysis of Father Oliveira's texts, we can summarize some of the ideas to be retained from the actions he carried out in favour of juvenile delinquents, offenders and marginalized people in detention (Corrêa, 1915). Appointed chaplain of the Lisbon Detention and Correction House, in 1899 and deputy director on 23/01/1900, he considered it: the 'living museum' of observational analysis of criminals, the 'experimental laboratory' of criminal anthropology and sociology (psychological perspective, legal-social and sociological aspects of juvenile delinquency) (Oliveira, 1918, p. XX and XXIV).

That institution was an establishment with the objective of detaining, regenerating and correcting minors up to the age of eighteen years, only with its modifications did it become a re-education and training school for society. When he entered that correctional house, he admitted that its social function was that of a prison designed to punish and frighten bad boys and thieves. And, in fact, due to its dark, ugly and filthy appearance, the building, falling into ruins, was a horrible place, suitable for serving as a punitive prison and, at the same time, for contagion among minors in their different degree of crime and delinquency (Fonseca, 1924). It looked like a prison, asylum or a mental hospital in which the judicial or administrative authorities accumulated there, in that 'social shelter', indistinctly abandoned/defaulted children (morally), small beggars, incipient vagrants, precocious addicts, criminal teenagers, and so on, weak of spirit, imbeciles, idiots, hysterics, epileptics. In other words, it retained with repressive discipline all the "human waste" found on the street, dumped by the family, the school and the workshops.

All that institutional reality described would be rectified with the elaboration of the Regulations of the House of Detention and Correction on September 12, 1901, which marks the beginning of an assistance and educational orientation for juvenile delinquents, through the creation of the positions of prefects- teachers, today called preceptors (Costa, 1945). The institution becomes a 'school of arts and crafts or moral education centre', with a pedagogical program of re-education and training, consisting of elementary or literary education, physical education (gymnastics), moral education (regeneration), musical education, professional education, teaching manual work, teaching drawing and teaching things. That establishment became a reform school (re-education) for all hospitalized minors who had the possibility of correcting themselves through education (Oliveira, 1918).

Father Oliveira (1924b, p. 246-297) adopted in that establishment an experimental methodology of observation, interview and interpretative analysis of the child and youth criminology of the time (criminal ethnography, sociology of deviance) that gave him a great experience. Thus, he analysed the entry of minors into boarding school, during recess when they grouped together in their groups and during workshop work. He observes the minor's inability to educate himself, his lack of will and effort, caused by his anomalies (behavioural and educational), tiredness (physical and 'cerebral'), laziness, attention deficit, lack of sensitivity, etc. In other words, they avoided learning and/or carrying out any work or community task. These addicts, slow in making decisions, with difficulties in their ability to continually work hard, due to a lack of habits and hygiene, of controlling 'deviant' tendencies, needed to be awakened in their faculties and believe in themselves (self-esteem) in the process of regeneration and education: "(...) *this type of intellectually and officially retarded person, as well as those who are merely intellectually retarded and those who are officially retarded, are common in houses of correction, both male and female*" (Oliveira, 1924b: 271). Little by little the father Oliveira (1923b, p. 269- 272; 1923d, p. 290-292; 1923f, p. 60-62) establishes typologies and physiognomies of minors, dialoguing with family members, friends of minors and/or visitors of the institution, to better deepen its descriptive analysis of the juvenile delinquent and offender (Martins, 2015; Poiares, 2010).

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From these representations, the good priest concluded that there was an “*instinct of personal conservation due to excess or lack, an instinct of reproduction due to excess or lack and an instinct of association due to excess or lack*” (Oliveira, 1923b, p. 273). In some cases, minors expressed ‘intermittences’ of behavioural manifestations, influences or attitudinal tendencies that hindered their moral recovery (Fonseca, 1924). However, this ‘metamorphosis’ of the minor depended on the influences of the environment in which they came from and hence the role attributed to the family in this re-educational process. In this way, the pedagogue priest considered that the disciplinary regime, moral education, stimuli, guidance and obligation of community and office ‘work’ were ways of leading the minor to acquire this strength of habit, articulating the ‘executive sense’ (capacity to execute) with will and perseverance, since “*(...) his action, perseverance and discipline, at work, varied according to the environment in which he happened to live*” (Oliveira, 1923b, p. 280).

The 1901 Regulation establishes a type of institutional socio-educational intervention in which teachers, monitors and other educational leaders played an important role on the basis of the educational trilogy. ‘*God*’ (educational and religious element); ‘*Homeland*’ (social and cultural element, of civics and active citizenship) and ‘*Work*’ (productive, economic and professional element). In fact, when observing the minors who entered the establishment, he divided them into three groups subjected to re-education/correction action: minors who were victims of the ‘laws of generation’ (endogenous, personal factors); minors who are victims of the ‘laws of imitation’ (exogenous factors originating from the family, street, surrounding environment); and minor victims of both laws (endogenous and exogenous factors). He conceptually distinguished between regenerating, correcting and re-educating institutionalized minors (Oliveira, 1923c, p. 102): “*(...) the re-education or reformation of victims of the laws of imitation consists of a simple pedagogical treatment, while the regeneration or correction of victims of the laws of generation, it is already a medical-pedagogical treatment*”. But the three actions (moral regeneration, correction through discipline and re-education through teaching and work) (Costa, 1945; Poiares, 2010; Ramos, 1947).

His social and educational work in that institution was so accepted by the monarchical Government of the time that the Minister of Justice, Campos Henriques, when creating in 1902, the Porto Detention and Correction House (Santa Clara Convent, in Vila do Conde), He entrusted Father Oliveira with installing it and, the following year, I also entrusted him with the Lisbon Detention and Correction House (female sex), in 1903. Already during the Republic period, he was appointed to the Commission for preparing the LPI in January 1911 and committed himself to the content of this law and was subsequently appointed inspector general of the jurisdictional services for guardianship of minors in the country until his death, without wanting decorations and tributes (Júnior, s/d; Nóvoa, 2003).

He died on September 9, 1923 at his home in Costa do Castelo, in Lisbon, and was buried in the Oeiras/Lisbon cemetery, in a mausoleum commissioned by some friends, on whose tomb stone they engraved the following inscription: “*God, Homeland and Work, this is the selfless motto of Father António de Oliveira, whose mortal remains and those of his mother rest here, at his request*”. Thus, this pedagogue/educator of social and delinquent matters is remembered, who is a reference for the History of Social Education, the History of Child Care and/or the Social History of Childhood, in Portugal, due to the actions he advocated. The tombstone is so poor and so humble that it did not deserve, in comparative terms with that of J. E. Pestalozzi, a grandiose marble tomb, with an inscription more prestigious and dignifying to the work carried out in favour of childhood: “*Everything for others, nothing for me*” (Oliveira, 1923 a)

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