

PSYCHOLOGICAL KNOWLEDGE IN THE CONSTRUCTION OF CHILDHOOD INTERNMENT POLICIES (1900-1929)

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ABSTRACT. This article aimed to map intellectual discourses regarding childhood detainment between 1900 and 1929, identifying and problematizing the uses of scientific knowledge connected with Psychology produced in the period. The analysis period comprises a historical consolidation and expansion of the childhood guardianship policy, which materialized in the construction of confinement spaces for this population and the promulgation of laws to deal with this issue. We resorted to reading and analyzing primary sources: Franco Vaz, *Infância abandonada* (Childhood abandoned); Lemos Britto, *Um problema gravíssimo: colônias correccionais e tribunais de menores* (A very serious problem: correctional colonies and juvenile court); *As leis de menores no Brasil (páginas de crítica e doutrina)* (Minority laws in Brazil (criticism and doctrine pages); reports from the Ministério da Justiça e Negócios Interiores - MJNI (Ministry of Justice and Home Affairs) between 1900 and 1928; and secondary sources. Psychological knowledge was present in the organization, and scientific support of these discourses served to defend and consolidate internment as the main measure. Psychological arguments were also used to defend limiting detention and legitimizing alternative measures. The period in question was important for the production of Psychology as a Science, and psychological knowledge shaped the measures proposed and used by the State in dealing with childhood.

Keywords: History of psychology; childhood; institutionalization.

SABERES PSICOLÓGICOS NA CONSTRUÇÃO DE POLÍTICAS DE INTERNAÇÃO DA INFÂNCIA (1900-1929)

RESUMO. O objetivo da pesquisa ora apresentada foi mapear discursos de intelectuais referentes à internação da infância entre 1900 e 1929, identificar e problematizar os usos de saberes científicos conectados com a psicologia produzida no período. O período de análise compreende um momento histórico de consolidação e expansão da política de tutela da infância, materializada na construção de espaços específicos de internação para esta população e promulgação de leis para o trato dessa questão. Recorremos à leitura e análise das fontes primárias: Franco Vaz, *Infância abandonada*; Lemos Britto, *Um problema gravíssimo: colônias correccionais e tribunais de menores*; *As leis de menores no Brasil (páginas de crítica e doutrina)*; relatórios do Ministério da Justiça e Negócios Interiores entre os anos de 1900 e 1928; e fontes secundárias. Saberes psicológicos estiveram presentes na organização e sustentação científica destes discursos, servindo para defender e

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consolidar a internação como medida principal. Argumentos psicológicos também foram utilizados para defender a limitação do uso da internação e legitimação de medidas alternativas. O período em pauta foi importante para a produção da psicologia enquanto ciência, e o saber psicológico teve papel na configuração das medidas propostas e utilizadas pelo estado no trato da infância.

Palavras-chave: História da psicologia; infância; institucionalização.

SABERES PSICOLÓGICOS EN LA CONSTRUCCIÓN DE POLÍTICAS DE INTERNACIÓN DE LA INFANCIA (1900-1929)

RESUMEN. El objetivo de la investigación aquí presentada fue mapear los discursos de los intelectuales referentes a la internación de la infancia entre 1900 y 1929, para identificar y problematizar los usos de los saberes científicos relacionados con la Psicología producida en el período. El período de análisis comprende un momento histórico de consolidación y expansión de la política de tutela de la infancia, materializado en la construcción de lugares de detención específicos para esta población y la promulgación de leyes para atender este tema. Utilizamos la lectura y el análisis de las fuentes primarias: Franco Vaz, *Infancia abandonada*; Lemos Britto, *Un problema gravíssimo: colônias correccionais e tribunais de menores*; *As leis de menores no Brasil (páginas de crítica y doctrina)*; informes del Ministerio de Justicia e Interior entre los años 1900 y 1928; y fuentes secundarias. Saberes psicológicos estuvieron presentes en la organización y soporte científico de estos discursos, sirviendo para defender y consolidar la internación como principal medida. También se utilizaron argumentos psicológicos para abogar por limitar el uso de la internación y legitimar medidas alternativas. El período en cuestión fue importante para la producción de la Psicología como ciencia y el saber psicológico jugó un papel en la configuración de las medidas propuestas y utilizadas por el Estado en el tratamiento de la infancia.

Palabras clave: Historia de la psicología; infancia; institucionalización.

Introduction

The childhood history in Brazil in the 20th century presents two characteristics that stand out: 1. the division of childhood, between that considered a social problem, normally located at the base of the social pyramid, and childhood represented by notions of innocence and the need for protection; 2. the constant treatment relegated to the impoverished part of childhood, the guardianship of the State (Cunha, 2010; Rizzini, 2008).

In Brazil, at the end of the 19th century and the beginning of the 20th century, childhood gained consistency in intellectual and political discourse. It began to bear the weight of responsibility for the country's future. The election of childhood as a topic of concern, study and defense of protection policies occurred in a context of high infant mortality, the proclamation of the Republic and the abolition of slavery, the growth of urban centers and industrialization. The discourse spread about the need to train citizens with some level of education, docile workers capable of building a great nation (Ribeiro, 2003).

The emergence of the minority issue was a field of interest and action for institutions and knowledge. A social problem was consolidated and crystallized in the childhood of the impoverished classes, which could be classified as abnormal under a model of childhood

and family (Rizzini, 2008; Vianna, 1999). This paved the way for the enactment of legislation focused on these children, the 1927 Minors Code, aimed at dealing with abandoned children, materially, morally, and criminals. Legal mechanisms for removing family power over children are established in the letter of the law, and the internment of these children became common practice. The 1979 Minors Code replaced this legislation. Both legislations established a repressive and tutelary approach towards children considered to be problems, whether due to crime, abandonment or being considered potentially dangerous (Cunha, 2010; Gonçalves & Garcia, 2007).

With the promulgation of the citizen constitution in 1988 and, later, with the Child and Adolescent Statute (Estatuto da Criança e Adolescente – ECA) in 1990, the minorist doctrine that characterized official assistance in Brazil since the end of the 1920s was replaced by the guarantee of rights and protection of all Brazilian children and adolescents. The legal paradigm has changed, and there is an effort to prevent the removal of children from their families and communities.

The paradigmatic change that occurred with the promulgation of the ECA happened concomitantly and coherently with a movement to question institutionalization that went beyond childhood confinement and was present in the reconfiguration of mental health care in Brazil. The fight for a new direction in the State's treatment of youth was part of a broad movement for the implementation of human rights in the legal sphere, which took over the Brazilian scenario in the process of re-democratization after a period of civil-military dictatorship (1964-1985), being also triggered by the process of building a new constitution (Gonçalves & Garcia, 2007; Machado, 2003).

Since the ECA, adolescents in conflict with the law are considered imputable, not punishable, but subject to liability through socio-educational measures. These measures include a warning, an obligation to repair the damage, community service, probation, semi-liberty and confinement, the latter being the most serious measure, which the judge should only apply in exceptional cases while maintaining its brevity character. Confinement has no fixed time; its end requires a judicial decision based on a multi-professional report, including a psychologist, performed every six months, preserving the maximum limit of three years. There is a process of job expansion for psychologists in detention institutions, monitoring socio-educational measures in an open environment and evaluating legal processes.

Despite the paradigm shift in State childcare, detention remains recurrent, even for minor infractions (Feitosa, 2010, Passetti, 2000). A report conducted by the Conselho Nacional do Ministério Público (National Council of the Public Ministry) in 2013 points to the frequent overcrowding of detention centers in the country and the vertiginous increase in the number of detainees between 1996 and 2011, a period in which the number increased fivefold. These institutions often have inadequate physical facilities and no Plano Individual de Atividades (Individual Activity Plan). Based on data collected from the Brazilian Courts of Justice concerning the socio-educational measure of internment between January 2008 and July 2009, it was found that this measure is commonly determined based on fragile legal arguments, with extra-legal and ideological references and, frequently, without complying with the legal requirements established by the ECA. The internment measure is commonly seen as beneficial and protective for the adolescent, facing rights that were neglected throughout their individual history, and not as a criminal sanction. The sanction is seen as "[...] medicine of the soul – better than evil" (Minahim & Spostato, 2011, p. 294). This view of the internment measure produces in society a feeling of impunity and raises demands for a reduction in the age of criminal responsibility. It is necessary to reiterate the criminal sanction nature of the measure and the adolescent's responsibility for his crime. Detention

centers differ from prisons only by their nomenclature. In this way, the judiciary reproduces social inequalities, exclusion and prejudices.

Given this scenario, we consider it relevant to analyze the period of consolidation of detention as a privileged measure for combating crime in adolescence and understanding the role of psychology in this context. This research aimed to map intellectual discourses regarding childhood confinement between 1900 and 1929, identifying and problematizing the uses of scientific knowledge connected with psychology produced in the period.

The starting point of the period chosen is the beginning of the operation of the Escola Correccional Quinze de Novembro (The fifteen of November Correctional School) in Rio de Janeiro to receive addicted minors, which was the first republican detention center for this portion of the population. The final milestone extends until 1929 to encompass the intellectual discourse produced after promulgating the 1927 Minors Code. This first Brazilian legislation covered all aspects of childhood and made the minor category subject to state guardianship, given through internment, inaugurating a logic not yet overcome in practice. The period witnessed the naturalization of the minor category, especially in the legal field, marked by the creation of the Juvenile Court in 1923 and the Minors Code in 1927 (Rizzini, 2008; Vianna, 1999).

From this scenario, the relevance of understanding the historical constitution of internment as a privileged measure for treating childhood can be inferred, a concept still embedded in common sense, the judiciary, and the psychologists' work in this context. Due to its focus, this study intends to contribute to the history of psychology and reflect on the profession of psychologists and their performance. Furthermore, despite a solid historiography on childcare in Brazil (Rizzini, 2008; Passetti, 2000), no research was found that addresses the presence of psychological knowledge in the process of constituting childhood confinement in Brazil as a privileged measure or that specifically dealt with the works and/or covered authors.

The path taken

Understanding internment as a historical construction, from which the knowledge circulating in the period contributes to its legitimization process, we seek to map the discourses surrounding the theme of childhood detainment in the chosen period and identify the psychological knowledge evoked in dealing with the topic. We will see that psychological knowledge was sometimes used as a basis for the collection of minors and, at other times, to point out their limitations without questioning the confinement itself. In this way, the psychological discourse participated in constructing the detention logic. In this article, the theoretical production of internment is not seen as a cause of its maintenance in childhood throughout the century but in a dialectical relationship with the historical and social conditions in the period.

To conduct this study, we used primary and secondary sources. The primary sources chosen were the study by Franco Vaz (1879-1925), *Infância abandonada*, published in 1905 (Vaz, 1905); *Um problema gravíssimo: colônias correccionais e tribunais de menores* published in 1916 (Britto, 1959a), and *As leis de menores no Brasil (páginas de crítica e doutrina)* from 1929 (Britto, 1959b), both by Lemos Britto; and, finally, the reports from the Ministry of Justice and Internal Affairs (Ministério da Justiça e Negócios Interiores - MJNI) between the years 1900 and 1928. There was no access to the report for the last year of the period.

The material was analyzed by reading and then choosing categories in all the works and files of the research, chosen due to the frequency with which they were a topic in the

writings and because they played an organizing role in the recorded speeches. The aim was to pay attention to the transformations the country underwent during the period under study, understanding that the changes in the conception and childcare at the time cannot be understood in isolation from the social and political aspects of the period.

When alluding to psychological science, we refer to a social activity performed by people who live in society and carry in their activity the synthesis of the social conditions in which they are immersed. Such a conception opposes an understanding of science as an evolution of concepts with the status of truth guaranteed by the scientific method (Fleck, 2010; Gavroglu, 2007). In this way, the characteristics of its place of production play a fundamental role in forming scientific discourse and the social function that science acquires in society (Gavroglu, 2007).

The MJNI reports are generally annual productions containing the activities that occurred in the previous year, the demands and suggestions for changes, and the budget allocation directed to the acting President of the Republic. They are based on the report produced by the various services and institutions belonging to the MJNI. This material highlights the events that surrounded the equation of adult and child crime, abandonment, the presence of children on the streets, the measures taken, and the desires and political-theoretical positions. There is a constant complaint regarding carelessness regarding the incarcerated population, the absence of adequate institutions for the arrest and detention of children and adults in quality and quantity, and the need to pay attention to the cause of criminal childhood.

The chosen authors served in different periods as directors of the Escola Correccional Quinze de Novembro, the first republican institution responsible for children internment, and whose beginning of operation represents the initial milestone of the period used in this study. The authors' relationship with this institution indicates their connection with the practice of period assistance. Both were recipients of state requests for studies on childhood. Vaz was in the early years of the 20th century, and Britto was in the 1910s. They promoted the campaign in favor of state assistance for children and had competence recognized by the Executive Power to analyze the question. The choice of works is due to their belonging to different phases of childcare. Vaz's study was one of Brazil's first major writings on childhood considered a social problem. In this, the author inaugurates many conceptions that will permeate the discourses of the MJNI reports and the press. *Um problema gravíssimo*, a work by Britto from 1916, was written in a period in which exclusive institutions for the detention of children were a reality. However, prison with adults without separation still constituted an everyday fact. *As Leis de Menores*, published in 1929, has their relevance originating primarily from his writing and publication occurring after the promulgation of the Minors Code in 1927, legislation that legitimizes the institutionalization of childhood in Brazil, presenting an analysis of this body of laws.

A infância abandonada, by Vaz, published in 1905, covers concerns related to the childhood of the impoverished classes in the period and the recommended scientific measures. *A infância abandonada* was a category applied to materially and morally abandoned children, in addition to including those who committed crimes, which would necessarily be the result of moral abandonment. It was produced in a context where a nascent conception of childhood as a social problem to be tackled by the new Republic was emerging, with a growing demand for institutionalization. The precarious situation of some children was described with eloquent rhetoric, attesting to their coexistence with misery, hunger and cold. He was concerned about the high rates of infant mortality attributed to parents due to their lack of education and lack of knowledge of hygiene principles. It points

out the need for protection and security for mothers and children, with the creation of institutions for this purpose. After ensuring survival, it would be necessary to make these lives useful to the nation and avoid involvement in crime. This goal would be achieved through education, which can reduce the harm inflicted on childhood. Formal education would not be enough. It would be necessary to teach parents how to exercise parenthood. To solve problems related to childhood in the country, it would be necessary to deal with the Brazilian people's negative biological and sociological heritage and primitivism. Problems attributed to urban life, such as increased alcoholism, would also be obstacles (Vaz, 1905).

In 1916, childcare was restricted to some specific detention institutions for minors. These establishments did not prevent the imprisonment of adults and the overcrowding of spaces intended solely for children (Relatório..., 1917). In *Um problema gravíssimo*, there was an effort to propagate the need to give the cause of childhood its due importance, calling on their peers to join the campaign in favor of assistance to criminal children, whose number would have increased dramatically at the end of the 19th century, due to the rapid progress experienced by society at the time. Paying attention to this cause would represent crime prevention since crimes committed by adults would have their seeds in childhood. To this end, the organization of criminal statistics in Brazil, the creation of correctional colonies exclusively aimed at children, a Juvenile Court and a set of laws for this population were advocated, inspired by new criminological and penitentiary ideas (Britto, 1959a).

In 1923, the Juvenile Court was created in Rio de Janeiro, an initiative later adopted by other Brazilian states. In 1927, a set of childcare and protection laws, the Minors Code, was enacted. Debates and trends present since the turn of the century were consolidated with the Code. Among these, the legal establishment of the minor category as a form of treatment for childhood problems and the institution of imprisonment and state guardianship as a privileged measure for the assistance and repression of childhood. Britto's work explained, justified and defended the provisions of the Minors Code, despite his partial disagreement. There is an effort to put the new legislation into practice, generally considered an advance (Britto, 1959b).

Education and work in the minors regeneration

From reading the primary sources, we separated two categories of analysis: the first is education and work, and the second is psychological knowledge. These categories were present in all the works and files analyzed and are deeply connected. Education and work were seen as ways to transform the criminal's essence, psyche, and behavior, whether as adults or minors. Therefore, the reason for separating categories is methodological and allows us to analyze their role in the texts in question more accurately.

Work and education are seen in a very similar way in this period and serve as a justification for the imprisonment or detention of adults or minors due to their supposed capacity to transform the individual.

The construction of institutions exclusively for minors, or institutions for adults and minors with separate wings, occurred in Brazil at a time when Brazilian intellectuals and politicians were receiving new penitentiary and criminological theories. These theories reserved to work and education the fundamental role in the internal regeneration process, which could modify the criminal's psychological state and habits (Relatório..., 1905, Relatório..., 1920, Vaz, 1905).

The main theme of the punitive system is prevention, which should have space in prison for adults and in correctional institutions for children. The prison and correctional institutions play a central role in the dynamics of the punitive system, whether in the daily

practice of criminal justice or in theory. For the prevention role and criminal regeneration to be fulfilled, the penal system would have to change to perform a preventive and educational function rather than a punitive one. Prison sentences alone would not help reduce crime, so they would have to follow scientific organization principles (Britto, 1959a, Vaz, 1905), which pointed to the need to use education and work. Establishing a prison that did not use these tools would produce the opposite effect, leading the individual to progress in crime, severity and quantity. Incarceration would contribute to the production of individuals constantly placed in prisons. The penalty, in this way, would be demoralizing and would create a social danger, increasing recidivism and perverting those convicted. It does not recover the prisoner. It only takes away their freedom and coexistence with society for a certain time. The removal of the individual from society would be a provisional and palliative measure, only beneficial in the case of incorrigible criminals. Prison, without the regenerative elements of education and work, would be an injustice, providing shelter and food to criminals. At the same time, the honest population would suffer from hunger and lack of work (Vaz, 1905). Based on this argument, the author naturalized the condition of hunger and lack of work for part of the population, making it unfair for the detainee to have shelter without questioning the general lack of decent living and working conditions for the population.

Prison work would be capable of teaching discipline without violence and repression, instilling habits of order and obedience and transforming the lazy individual into a worker, a necessary task due to the high rate of individuals lacking habits of order and obedience among the impoverished class of society. This lack of vocation for work would constitute one of the main causes of crime in this part of society (Relatório..., 1918). The understanding of the population's relationship with work was linked to the notion of the individual, so that the problems that crossed the sphere of work were translated as laziness, lack of habits, and individual faults, to be solved by education, opening space in attention to childhood, psychology and education.

Professional education should be fundamental in establishing the obligation to work in prisons, the qualification of individuals who often arrived at prison without skills for urban work (Relatório..., 1905). Professional education would also prevent crime among abandoned children (Relatório..., 1920). The lack of access to education was seen as one of the causes of crime, and promoting education would be an instrument to modify the detainee's temperament (Relatório..., 1905; Vaz, 1905, Relatório..., 1908). The lack of formal education among criminals was portrayed as a debt owed to society, especially concerning minors. Society had failed to provide protection and education (Relatório..., 1905).

Thus, there was an effort to incorporate work and education workshops into prison and correctional institutions. The Colônia Correccional Dois Rios (Dois Rios Correctional Colony), in 1903, right at its creation, had workshops for tinsmiths, carpenters, joiners, shoemakers, tailors and basket makers (Relatório..., 1904). It also intended to add work activities in farming and fishing (Relatório..., 1905). Likewise, the Escola Correccional Quinze de Novembro had, between education and work, music and gymnastics classes, Portuguese, military exercises and a shoe workshop that met the demands of the Police Brigade, Civil Guard, Colônia Correccional Dois Rios, Detention House and the student body itself (Relatório..., 1905). In 1909, the Escola Correccional Quinze de Novembro also had workshops for shoemakers, tailors, broom makers, carvers, joiners, harness and saddlers, tinsmiths, blacksmiths, locksmiths, pottery workers, agricultural work, music, gymnastics, primary and military instruction workshops (Relatório..., 1910). The production of shoes, the school's first workshop, and clothing were significant. In 1910, for example, the prisoners

produced 6,665 garments and 3,055 pairs of shoes, among other products (Relatório..., 1911).

Prison work would still occupy a symbolic place of social compensation for the damage caused by his crime, for the material damage caused. It was expected that the value of the work undertaken by detentions could support or help maintain the prison establishment, reducing public spending; provide assistance to the detainee's family, potentially in poverty, without the support provided by the prisoner; and provide a fresh start, after freedom, given the difficulty egresses face in finding work. Receiving income would also be effective in controlling the detainee's negative feelings. Prison labor was used in public works, such as road construction (Relatório..., 1905). There is a recurrence of the lack of work argument to justify the imposition of alienated work on the prison population.

The education campaign was not restricted to prisons but spread as a means of social transformation and progress in the country. It mobilized the intellectual and political class in fiery speeches in its favor. As a supposed cause of adult and child crime, the fight against crime should be done through education, inside and outside prison walls and detention facilities (Relatório..., 1914).

An early education could combat the effect of a bad inheritance. Education would provide noble feelings and good customs "[...] as perfecting agents of suggestion and contagion, over these gross and imperfect material conditions – just as good grass kills bad grass" (Vaz, 1905, p. A-G-110).

The transformation of prisons into privileged institutions for society dealing with crime resulted from the displacement of the function of penalization from punishment and revenge to a therapeutic objective. No longer does the crime committed and its corresponding penalty come into play, but the criminal, the figure of the delinquent, a victim of impulses and tendencies inclined towards crime, of biological and social determinations, such as poverty and lack of access to formal education. An individual who can be regenerated through education and work. These propositions were loaded with the precepts of the Escola de Criminologia Positiva (Positive Criminology School). They justified the right to punish and segregate a part of society and social control over the population, establishing the possibility of a prophylaxis to crime (Frigessi, 2009).

The reorganization of the penal system played an important role in the construction and development of liberal state regimes (Aguirre, 2009). Foucault (1987) conducted a critical reading of internment, pointing out its use to instill habits suitable for working in factories and workshops in a rural population accustomed to a different work rhythm. Melossi and Pavarini (2014) corroborate the assertion that detention establishments played a role in accustoming rural populations to urban work. In the first decades of the 20th century, Brazil was going through a process, albeit an incipient one, of urbanization and displacement of rural populations to the city. Accommodating this population to the new rhythm of work was necessary.

The importance of education stands out in a context where a large portion of the population, especially those belonging to the most impoverished sectors of society, did not have access to formal education and in which the demands of growing urban-industrial life started to require new habits. Work and education would serve to provide an instrument for internal modification of the criminal, bringing legitimization and justification for the maintenance of prison establishments and the construction of internment facilities for adults and children, respectively.

Admission to tame feelings: psychological knowledge

The differentiation between adults and children in deprivation of liberty establishments and the determinations of the legal system was based on psychological knowledge. Adults would have a greater capacity for reflection and development of intellectual faculties, knowledge of laws and control over passions. On the other hand, "[...] minors, Psychology says, do not have, even when normal, in perfect functioning, the valve designed to maintain the balance of passions and natural impulses" (Britto, 1959a, p. 40). Applying the penalty intended for adults to childhood would be absurd. Equally undesirable is the declaration of irresponsibility by minors that would permit them to commit the crime. The solution would be a change in criminal legislation, with the establishment of a classification of offenders and the execution of deprivation of liberty. However, determining the age at which the subject could be considered responsible would be difficult since psychic and intellectual development is unique. This limit would always be arbitrary. Responsibility would vary "[...] according to race, sex and state of health" (Britto, 1959b, p. 185).

Medical-psychological examinations in prison and correctional establishments are recommended to individualize the sentence. To do so, it would be necessary to know their family background and legitimize the authority of 'medical psychologists' for individual medical-pedagogical treatment (Britto, 1959a). Criminals would be different regarding nature, education, social environment, and inheritance of physiological and psychological characteristics. Aiming to transform the penalty into an instrument of remission for those guilty and social defenses, it would be necessary to allocate unequal treatment to unequal subjects. The detainee is a patient who can be cured, and consequently, it is necessary to apply the same principles of the medical art: different medicines are used for different malaises. Adapting defensive measures to the anthropological categories of criminals would be necessary (Britto, 1959a, Relatório..., 1918). Knowing the detainee intimately to achieve the objective of transforming the individual was necessary. The penalty would not be fair if it was the same for everyone. Justice should treat different criminals unequally (Vaz, 1905). To this end, installing anatomical and physiological observation offices and a detailed study of the detainees would be important to divide them between the scientific classifications of criminals. The criterion for punishment would be mentality, which varies according to the subject, gender, age, current mental state and social and moral factors. Examining the criminal would be the first step towards executing the sentence in compliance with the rights of the guilty party and society (Relatório..., 1918). Establishments intended to reform their inmates should become criminological clinics prepared for their study and regeneration (Relatório..., 1919).

With the concern to prevent crime, it was advocated to remove the use of fear in the criminal system due to its inefficiency. Disciplining the criminal's feelings and instilling a sense of duty was necessary. Society would not obtain results through mere atonement. Proceeding this way would be inhumane. Although not seen as possible in all cases, regeneration should be sought. Regeneration, in this context, would consist of "[...] educating the will of the sentenced person, eliminating everything in him that is wild and awakening everything human in his soul" (Relatório..., 1905, p. A-E-4). It would be achieved through three elements: the disciplinary regime; educational instruction, which would act on the intelligence and feelings of the sentenced person; and mandatory and productive work, which regenerates, instilling healthy habits. Moral correction and the intimate transformation of the offender would be the basis of criminal activity, obtained by cultivating intelligence and educating feelings. The disciplinary regime should be severe, with rewards for good

behavior and punishment for bad behavior. Rewards and punishments should be applied by someone who knows the detainee's mental functioning, preferably the establishment's director (Relatório..., 1918).

In the first years of the 20th century, the director of the Escola Correccional Quinze de Novembro asked the MJNI for an isolated infirmary equipped with electrotherapy hydrotherapy, among other techniques of the period, to treat neuropathic, hysterics, neurasthenics, cerebrasthenics, syphilitics and those who, by heredity, suffer from disorders, like the descendants of tuberculous and syphilitic. The request was denied (Relatório..., 1905). The director points out the peculiarities of childhood received at school, "[...] the brain state of my students, for reasons that are intrinsic to them, is the most disturbed that I have observed and, therefore, their nervous system [...] lacks this nervous tone on which the balance of any organic unit depends" (Relatório..., 1905, p. A-F-16). The report from the Colônia Correccional Dois Rios points to hysterics among those detained in the establishment (Relatório..., 1905).

The creation of the Juvenile Court should be accompanied by assistants designed to gather information about the life and customs of the minor on trial through inquiries to parents, teachers, relatives, employers and local authorities. The judge should know the child's soul, psychology, physiology and mental illnesses and be calm, kind and paternal (Britto, 1959a, p. 52).

Changes in the penal system, such as the creation of different establishments according to sex, age and the criminological classification of the inmate, enabling individualization of the sentence; introduction of conditional sentencing for first-time offenders not considered fearful and dangerous; end of the sentence with a fixed time, avoiding the release of harmful individuals into society, are advocated. The main objective would be the protection of society, for as long as necessary, preventing the stay in a prison establishment from exceeding the prisoner's retirement period or from being kept imprisoned for a shorter time than necessary, both results being equally harmful, rendering an available workforce useless and putting the regeneration obtained at risk. Combating judicial leniency in the presence of extenuating circumstances would be necessary (Vaz, 1905).

Britto (1959a) defended a position in favor of internment but restricted to some cases. The author emphasizes internment as capable of producing criminals, in agreement with Vaz (1905) and the MJNI reports, supporting reform of detention facilities under penitentiary science, but also introducing the relevance of replacing internment with freedom assisted, in many cases, as long as the child and his family undergo careful evaluation and monitoring by subordinates of the Juvenile Judge. He does not propose the extinction of prison establishments but argues that this measure can represent a social danger in several situations for which alternative penalties should be introduced. Likewise, in 1929, Brito criticizes the broad provisions that impose the removal of children from their families, found in the 1927 Minors Code, which would make it virtually impossible for the State to keep such a significant number of children under guardianship, besides point out limitations in the effectiveness of incarceration (Britto, 1959b).

In this context, there is a differentiation between adult and child crime. Both sentences must aim at regeneration, using work and education to modify the detainee's nature and feelings. However, between adulthood and childhood, a difference is established in the degree of responsibility and ability to control oneself. The attention of Criminologia Positiva focuses on childhood. In the minor, regeneration would be more efficient due to its development state, and it would be easier to implement the desired legal measures, such as deprivation of liberty without a fixed time and detailed individual analysis to execute the

sentence. The treatment intended for the minor would also fulfill the role of a laboratory for the regeneration of the adult (Britto, 1959a, Ferla, 2012).

From prison onwards, an individualizing knowledge is organized that takes as its field of reference not so much the crime committed but the virtuality of dangers contained in the individual. Thus, the exam, an instrument developed in school and hospital spaces, is used in prisons. It emerged at the end of the 18th century with the development of clinical sciences, marking the individual's entry into the field of knowledge. The entry of singular description, interrogation and anamnesis (Foucault, 1987). We see that the exam is a useful instrument for the authors analyzed in this study, enabling, based on its knowledge, to individualize the sentence and promote regeneration. In this context, there is an individualizing reading of phenomena, attributing various problems that are complex social constructs, such as crime, to individual characteristics. Processes that presuppose the conception of the individual are a fertile field for the prosperity of psychology.

This detailed examination of the criminal establishes a psychological causality of the crime that alters the notion of legal responsibility based on classical law and free will and increases the individual's fearfulness. Penal and psychiatric discourses blur their boundaries. A delinquent does not constitute himself as the author of his act, responsible, free and conscious, but is tied to the crime by instincts, drives, tendencies and temperament. Punishment as prevention was not new. It has been used for centuries, but in prison, this is a key principle (Foucault, 1987).

The institution of the prison sentence, for Foucault (1987), does not aim to affect the body, as in torture, used until the end of the 18th century, but the soul. The prison represents a space where detainees could be transformed, and docile individuals would be returned to society instead of the criminals who entered there.

Psychological knowledge became increasingly necessary in this context, with judges, correctional officers, directors of detention institutions and agents who dealt with minors being required to be knowledgeable about the child's soul. An accurate and detailed analysis of the minor's life assumed a more relevant role than the crime.

The emergence of the modern prison and its counterpart for childhood had among its objectives the transformation of the individual from a delinquent into an honest and hard-working citizen with habits of order, discipline and hygiene, prepared for the construction of a modernized Brazil. However, it is for children that this recommendation resonated most forcefully and was closest to being implemented. The combination of a childhood to be protected and from which society must, at the same time, protect itself is resolved temporarily through pathologies and disorders (Vianna, 1999).

Final considerations

The first decades of the 20th century were fundamental for the construction of assistance for deviant children. Traces of the policy outlined in this period remain so far, if not in legislation, in daily police and judicial practice, such as identifying poverty with the production of crime and the popular class as a segment of society to be controlled and contained for social good. The problem of childhood appears intertwined with poverty. Childhood confinement has gone on throughout the century, and this category remains fragmented between those who suffer sanctions and containment by the State because it is understood as a social problem and those who are protected.

The period analyzed was crucial in the development of prison as a privileged penalty that still exists today, as well as the measure of detention for children. In the transition to the

20th century, the first republican institution of detention exclusively for minors in Brazil was inaugurated. By 1928, according to Britto (1959b), the number of institutions for collecting minors who committed crimes reached ten colonies and 12 correctional schools. Even so, the period was marked by overcrowding and the maintenance of minors in adult prisons without separation. It is necessary to highlight that the term minor in the period studied did not restrict its use when referring to children who committed crimes but also to orphans and poor children in general, who also had institutions created for shelter.

In the official archives and works used for analysis, we verified the use of psychological knowledge in constituting admission as a privileged measure for deviating children from the norm of bourgeois society, whether abandoned or committing crimes, providing the scientific possibility of taming feelings, habits and behaviors. However, although in a marginal way in the period's history, not implying major changes in the State's protective action, which intensified and consolidated with the 1927 Minors Code, psychological knowledge also served to criticize large-scale institutionalization and defend the establishment of alternative measures.

The relationship between psychological knowledge produced during the period and the detention policy that was being consolidated occurred in a dialectical way. Psychological knowledge provided scientific legitimization for imprisonment and the notion of the minority. On the other hand, it was also constructed based on the demand for discussion of this measure by the State and the social problems presented by Brazil at that time, such as crime and the presence of children on city streets. In this sense, it was important for the authors studied and for representatives of the MJNI to use psychological arguments to demand changes in the penal and penitentiary system, especially concerning children, in the campaign undertaken in favor of changes in the policy of protection and repression of children. In contrast, themes classically belonging to psychology, such as mental illness, hysteria, psychological development, intelligence and emotions, were debated and put under analysis, developing the psychological discussion in Brazil. Disguising the intricate relationship that was established in the process of constructing psychology between social hygiene practices and the institutionalization of vulnerable groups in State assistance and repression of children inhibits the necessary transformation. Historical analysis has been a fundamental resource for the careful and qualified identification of psi conceptualizations, the effects of control and oppression of psychological practice, and support and tools for emancipatory actions in this historic operation.

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