



Child and juvenile delinquency and its taxonomy of Father António d'Oliveira (1867-1923) in the context of the 1st Portuguese Republic¹

Delinquência infantojuvenil e respetiva taxonomia do Padre António d'Oliveira (1867-1923) no contexto da 1.^a República portuguesa

La delincuencia infantil y juvenil y su taxonomía del Padre António d'Oliveira (1867-1923) en el contexto de la 1^a República Portuguesa

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Abstract

The historical-descriptive and documental study, based on the hermeneutic methodology of the writings of Father Oliveira, covers the beginning of the 20th century and falls within the scope of the History of Social Education. The hermeneutic analysis wanders among primary and secondary sources on that pedagogue related to child protection, pedagogy of delinquency and juvenile criminality and reeducation. The following objectives guide us: to revisit the thought of Father Oliveira as a child protector and social pedagogue historically; to analyse the assumptions of the Childhood Protection Law of 1911; to describe his taxonomy of institutionalised delinquent minors, the fruit of his observations and experiments. He was the mentor of child protection in Portugal, a social reformer on the issues of delinquency and marginality, and a social educator in the intervention with minors institutionalised in the houses of correction, having given a significant contribution to the History of Child Care and the History of Social Education, in Portugal.

Keywords: Pedagogy of delinquency. António d' Oliveira. Juvenile delinquent.

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Resumo

O estudo de teor histórico-descritivo e documental, assente na metodologia hermenêutica aos escritos do Padre Oliveira, abrange os princípios do séc. XX e insere-se no âmbito da História da Educação Social. A análise hermenêutica deambula entre fontes primárias e secundárias sobre aquele pedagogo relacionadas com áreas da proteção à infância, da pedagogia da delinquência e criminalidade infantojuvenil e da reeducação. Norteamo-nos nos seguintes objetivos: revisitar historicamente o pensamento Pe. Oliveira como protetor da infância e pedagogo social; analisar os pressupostos Lei de Proteção à Infância, de 1911; descrever a sua taxonomia de menores delinquentes institucionalizados, fruto das suas observações e experimentações. Ele foi o mentor da proteção à infância em Portugal, um reformador social nas questões da delinquência e marginalidade, um educador social na intervenção com menores institucionalizados nas casas de correção, tendo dado um grande contributo à História da Assistência à Infância e História da Educação Social, em Portugal.

Palavras-chave: Pedagogia da delinquência. António d' Oliveira. Menor.

Resumen

El estudio es de contenido histórico-descriptivo y documental, basado en la metodología hermenéutica a los escritos del Padre Oliveira, en los principios del siglo XX y inserido en la Historia de la Educación Social. El análisis hermenéutico deambula entre el análisis a las fuentes primarias y secundarias de éste pedagogo, relacionadas con las áreas de protección infantil, pedagogía de la delincuencia y criminología infantil y juvenil y pedagogía de la reeducación. Los objetivos han sido los siguientes: revisar históricamente el pensamiento del P. Oliveira sobre la protección a la infancia y pedagoga social; analizar los supuestos de la Ley de Protección de la Infancia de 1911; describir su taxonomía sobre los delincuentes juveniles institucionalizados, que es el resultado de sus observaciones y experimentaciones. Él fue el mentor de la protección de la infancia en Portugal, un reformador social en los temas de delincuencia y marginalidad juvenil, un educador social en la intervención con menores institucionalizados, habiendo hecho una gran contribución a la Historia del Cuidado Infantil y la Historia de la Educación Social en Portugal.

Palabras clave: Pedagogía de la delincuencia. António d' Oliveira. Delincuente juvenil

Introduction

The profile and personality of Father António d'Oliveira (1867-1923), as a Man and a Priest in monarchic and republican environments, as a Legislator and social Reformer and mainly as a social Pedagogue, made a significant contribution to the History of Assistance to Children and the History of Social Education in Portugal (Figure 1).

Figure nº1: Father António d'Oliveira, inspector general for juvenile legal and guardianship services (1911-23).



Source: Museum in Caxias (Ministry of Justice, 1958)

Throughout his life biography he expresses his sensitive character for things and people, having certain circumstances influenced his way of being, such as: his training at the Seminary of Lamego, his hometown; the death of his mother and his uncle António, with whom he had great affection, in 1875; being a priest in the parishes of Gouviães and Dalvares, near Lamego (1892-95), in those 'rough places', flooded with beliefs and witchcraft; his stay in the Santa Casa da Misericórdia of Oporto, curing himself of his lung disease (1896-98) his entry in the Lisbon House of Detention and Correction (male) in Mónicas and then in Caxias, as chaplain, where he met children/youths as degraded human spectres (1899); the modernisation of the establishment (regulation) in 1901, providing it as a training house; the suicide of a minor, by hanging in 1905, in that institution, which caused a general criticism and disapproval on the part of the press of the time, as the hypothesis of the internee having been beaten to death, by a member of staff, which led to a police investigation process; as a member of the Commission in January 1911 (Colégio de S. Patrício, in Lisbon), the suicide of a minor, by hanging, in 1905, in that institution, which caused a general criticism and disapproval. Patrício, in Lisbon), in charge, by the Government of the Republic, of drafting a bill for the protection of Childhood, having suffered and aggravated his illness "*due to fatigue, a hemoptysis and cardiac arrest, in the room where he drafted, during many nights of candlelight, the Decree of Law of May 27 1911 on strips of paper*" (BARRETO, 1929a, p. 60), but his effort and will, to accomplish a

Children's Code -Law for the Protection of Children (LPI), that would protect the children, overcame his illness, despite the sequels; the nomination in 1912 as General Inspector of the Tutelary and Juvenile Jurisdictional Services until the end of his life, in the supervision and adaptation to the tutelary Law for minors, to the implementation of devices, intervention measures for the protection of childhood and youth, the organisation model and reeducational structure in the State establishments all over the country and, still, as a divulger to the Portuguese society of the tutelary work for Childhood (MARTINS, 2006).

In fact, this social pedagogue who dealt with juvenile delinquents expressed affection and perseverance in what he undertook in the Lisbon House of Correction, reworking his ideas to try them out in that institution or educational assistance establishments (BARRETO, 1911). Despite the health setbacks he possessed qualities of a 'crime clinician' in observation, with a sagacity not to be ensnared by dissimulations, lies and tricks of the minor inmates and their relatives:

In the study of child delinquency, what should most interest those who are committed to the solution of the problem of criminality, in the sense of social defence, is the part that concerns the prognostic of the bad habits and the predominant dispositions of children since what is most convenient to that defense is to discover in today's embryo the dangerous man of tomorrow (OLIVEIRA, 1923e, p. 372).

When the Republic was implanted in 1910, the Provisional Government wanted to legislate measures in order to extend the services of assistance, social action and protection of minors. It was with this intention that the Minister of Justice, Dr Afonso Costa, approved by decree, on January 1 1911, a commission in Lisbon and another one in Oporto (February 4) with the task of organising a great work for the protection of children, inviting Fr Oliveira to take part in the legislative drawing up of a Code for Children (Costa, 1939, p. 100). As Fr. António d'Oliveira was not a jurist, Minister Afonso Costa (Figure 2) put at his side the young jurist A. Sousa Costa, who was to become a lawyer. Sousa Costa would become one of his most loyal admirers of Father de Caxias. Here is how Sousa Costa narrates this episode:

The Minister put me in the orchard, invested in the position of helping the orchard [...] it was as an amateur of Law and professional of melodic modinhas, pulling at the feeling, that the providence of Destiny gave me the honour of being the deputy of the adventitious Legislator, without a jurist's letter, the acolyte of the admirable Poet, without a book of verses! There is no doubt: he had never read Article 1 of the Penal Code. (COSTA, 1945, p. 35)

Fr. Oliveira had no idea what the penal codes said since he ignored the theories of the problems of jurisprudence and the codifiers of substantive and adjective Law, nor did he master the theories of modern criminology or juvenile delinquency, but he knew everything that, in the families, provoked degeneration, disease or abnormalities in the physical and moral formation, what in the meanders of the cities provoked the deviation and social marginality, that dragged the minors to the scoundrel and the crime/delict and, still, what in the Lisbon House of Correction should be applied as a preventive resource, of curative medication of correction or of reeducation to correct and regenerate. In other words, he was a master in knowing the contexts where social degeneration and criminality or juvenile delinquency originated (COSTA, 1947). His tenacity, without knowing discouragement, marked the essence of his action of socio-educational intervention with the minors (MARTINS, 2006).

He was always attentive to the motivations and expectations of his pupils in this rough terrain of institutionalisation, always willing to guide, advise and support the interned minors, to lack affection and socio-educational support, to convert them into useful citizens to society.

Our study covers the beginning of the 20th century, being of a historical-descriptive and documental nature, within the scope of the History of Social Education, listed in the hermeneutic methodology of content analysis: writings - primary sources of Fr. Oliveira (1917, 1918, 1922, 1923 a, b, c, d, e, f, 1924 a, b) on the pedagogy of infant-juvenile delinquency, juvenile criminality and reeducation of institutionalised minors, based on socio-pedagogical foundations; in primary sources of authors who lived at the time with that priest (BARRETO, 1911, 1921, 1929, 1931; BELEZA DOS SANTOS, 1931; CORRÊA, 1915; COSTA, 1935, 1939, 1945, 1947, 1952; GONLAVES, 1922; MEIRELLES, 1947); secondary sources and other sources related to the theme of delinquency/child and youth criminology and/or the historical context. We consider that no document is neutral, as it contains specificities and intentionalities and, thus, its apprehension constitutes a truth that must be understood in the context of the historical context in which it was produced (LE GOFF, 2012).

Investigating the doing and knowing of characters, institutions and/or events in a given historical time is not only to perform a rescue and reconstitution of the memory but also to add new data of interpretation to the historiography of Social Education. In this process of articulating the present with the past, we (re)activate the historical-educational memory of Fr. Oliveira about the protection of Childhood, through the constitution of coordinated and interpreted evidence, based on the historical time of analysis.

Figure nº2: Vist by the Minister Afonso Costa and the Lisbon Civil Governor to the Caixias Correctional House November/1910.



Source: http://valedaterrugem-blogspot.com/2010_10_01_archive.html.

The following objectives guide us: to revisit historically the work and thought of Father Oliveira as protector of Childhood and social pedagogue; to analyse the structure and assumptions of the Law for the Protection of Childhood (LPI) of 1911, of which that priest was its mentor; to understand, in the context of the time, the foundations of the (social) pedagogy on child and juvenile delinquency, from Father Oliveira's perspective; to describe the taxonomy of the typology of the juvenile delinquents proposed by Father Oliveira, the fruit of his observations and

experiments in the Houses of Correction. We recall that in this historical period, there was much influence from several theories about criminology and delinquency, besides the contributions from other sciences (anthropology, pedology or paidology, medicine with the influx of psychiatry, hygiene and eugenics, etc.) that were determinant to know Childhood and youth in situations of social deviation and delinquent behaviours, besides the political discourses (social reforms). Methodologically, the study is divided into 3 points, articulated as they relate to the objectives and purpose of the study: the looks at the pedagogy of delinquency and infant-juvenile criminology, the juridical-social and pedagogical assumptions in the LPI. This taxonomy characterises the types of delinquent and criminal minors.

As historical time has passed, the continuators of the emeritus work of Fr. Oliveira and other educators, defenders of the protection and (re) education of children and young people in conflict/social deviation or with social-assistance difficulties, have, in that figure, the possibility to reflect on the socio-pedagogical measures and innovations carried out on the protection of Childhood, the boarding institutions, the medical-pedagogical and/or re-educational treatment. The pedagogues/social educators must remember and bring to light the thought of that 'Paladin' of minors and 'Mentor of the LPI', contributing with their analyses to the reconstruction of the memory and the History of Social Education. Father Oliveira was a reformer of the problems of juvenile delinquency, even if he was sometimes nicknamed a 'staunch' monarchist, or a 'radical republican and freemason', a 'lunatic and idealist or a 'phantasmagoric in the ideas of childhood protection' (OLIVEIRA, 1923b, p. XLIV-V). Many contemporary scholars recognised the merit of his work in favour of the Portuguese child/infancy, always as a priest and pedagogue: "If you search the documents, official or not, none will appear signed with his name that is not preceded by the word priest" (MEIRELES, 1947, p. 6), because as he stated "Only a moral man can preach a moral work" (OLIVEIRA, 1923b, p. IL). With that purpose of the social educator, we intended in this methodological approach to relate, according to Justino Magalhães (2007, p. 70-71), the history built from memory (s) to the archive and from the archive to the memory.

Insights into the pedagogy of delinquency and juvenile criminology

Without knowing the 'Master' of Law and correctional criminology, Father Oliveira felt the 'Institutional Life' of the juvenile delinquents and detected in them the causes that originated their social deviation. Little by little, he imbibed the theories of criminology of the time, from Beccaria to Gall's phrenology (psychology of faculties associated with a cerebral anatomy-physiology), from H. Gross's criminal psychology to criminal anthropology (Lombroso's Italian school, Maudsley's English school and J. Ingenieros's Argentine school) or positivist sociology (Quetelet). All these influences were given to him by his jurist, doctor, intellectual or pedagogical correctional friends, who lent him books, magazines, juridical, psychological and criminal anthropological documentation, reports on the conclusions of congresses or missions to visit juvenile prisons abroad, and correctional pedagogy. All this amalgam of ideas allows you to get to know

*Classical school (Beccaria and Bentham). This school included: the correctional school, which defended the correction or amendment of the offender in prisons, jails or houses of correction; and the penitential school (the traditional Makarewicz, the reformist Listz, Prins and Van Hamel and the radicals Dorado, Tolstoy and Soloviev), which criticised the rigour of penalties, defending the regeneration of criminals through work and education, admitting intimidation, correction and punishment of the offender. The penitentiary systems proposed at the time were the Philadelphia system (cellular regime), the Auburn system in New York and the progressive Irish system in periods (Colonel Montesinos). The criticism of Father Caxias was oriented to the non-modernisation of prisons to the new models.

*-The positive criminal school, based on the theories of Lombroso, Ferri and Garofalo, used the causal-explanatory method to study the causes, behaviours and reasons for punishment on the personality of criminals and delinquents and their ability to adapt, etc. This school arose from the evolution of the social sciences, which determined new orientations for criminology. The crime was not only an individual behaviour but was also a human and social fact. Thus, criminology shifted the centre from the legal norm to reality. There was a difference between the French criminal school (Lacassagne, Tarde), for whom crime and delinquency were a social phenomenon and not a biological and anatomical one, and the Italian anthropological school (theories of atavism and degeneration). Therefore, Lombroso studies the physical characteristics of criminals (atavism), considering that the offender was already born with physical traits that identified him as such (physical stigmas of the born criminal). P. Oliveira accepts with reservations some of Lombroso's ideas, admitting that many hereditary biological elements (morbid) implied a pre-disposition in specific individuals to commit crimes or delinquency, as well as that prison or jail were places of influence for the delinquents predisposed to delinquency and to commit crimes. However, he agrees with Ferri that certain social conditions serve as imitations and extensions to certain tendencies that bring about some delinquents. In this perspective, vagabondage, according to criminology, was the state of specific individuals who lived on the margins of society. The vagabond (associable, morally abandoned, corrupt, indigent, beggar) was predisposed to delinquency, promulgating the Law of 1912.

Therefore, the ideas coming from criminology demanded new scientific-pedagogical conceptions of the states of deviation of children and adolescents, implementing internment measures in correctional establishments as the most effective means to their regeneration. In his positions of analysis, Father Oliveira sustains a positivist slant, in which the delinquent minor revealed in his actions his tendencies, being driven by forces he was not aware of, and, for that reason, he should be corrected and institutionalised. In this incursion through criminal anthropology and juvenile delinquency, on some occasions, he criticises Lombroso for saying that "only criminals generate criminals" (OLIVEIRA, 1923e, p. 376), because, in the case of the 'Galatea' minor, he did not fail to have noble qualities acquired in the family but the influence of the environment and the criminal mania to act (tendency), had lost him to crime.

Father Oliveira (1922) understood that pedagogy should focus on the delinquent behaviour of the minor (factors), in socio-pedagogical terms (social pedagogy) and, from there, the social intervention should be based on moral regeneration through education and work (occupational). Due to the social importance of the phenomenon of criminality and delinquency, that priest proposes methodologies of socio-educational protection, highlighting the action of the prefect-teachers and/or tutors, of the masters, guards and persons in charge of the boarding schools, besides the instruction and the non-formal educational activities proposed in the correctional regeneration. Therefore, it adopts an educational programme according to the characteristics of the internees, in each Section and/or division of the detention establishment, whether for the 'troupes' or troupes of 'pilhas' (minors who committed theft), 'paivantes' (smokers), of the 'canhola' (sodomy), of the 'subentos' (minors who lack hygiene), conspirators (malicious gossip), 'espiantes' (minors inclined to escape/avoidance), to gamblers, etc. (OLIVEIRA, 1923c, p. 55–57).

We recall that in the book 'Criminality - Education', Fr. Oliveira (1918) makes a deep study, through rigorous observation of the inmates in the Lisbon male prison, in the Mónicas (1899-19032 and then in Caxias (1903-1911), both in their characteristics and relations with the other peers ('troupes') and in the socio-educational activities (instruction, learning in the workshops), in order to ascertain their origins (endogenous factors) and the environment in which they lived (exogenous factors). His theses of correctional pedagogy and criminal sociology, for whom he did not have a fundamental conceptual corpus, were

oriented to "Put the social body under the shelter of crime, giving the family, the school, the workshop, the courts and the police the mission of preventing the criminality of the new generations" (OLIVEIRA, 1918, p. II). He acknowledges that these assumptions were not possible in a single generation since it required an articulation and cooperation of social and educational services and institutions, which, on the one hand, would make the legal laws and the bureaucratic/administrative customs change and, on the other hand, would transform people's mentalities, regarding protection, prevention and social prophylaxis (ALVIM, 1961). His systematic observations of the minors that entered the House of Correction led him to divide them into three groups: minors victims of the 'laws of a generation'; minors victims of the 'laws of imitation' (family, street, surrounding environment); and minors victims of the two laws. He conceptually distinguished the terms of the language of the pedagogy of correction of institutionalised delinquents, as between 'regenerate - correct' and 're-educate - reform' (OLIVEIRA, 1923c, p. 102): "(...) the reeducation or reformation of the victims of the laws of imitation consists of a simple pedagogical treatment, whereas, the regeneration or correction of the victims of the laws of generation, is already a medical-pedagogical treatment". It was one thing to renew the will, thoughts, feelings and habits (deviant behaviours and attitudes) and quite another to treat weak instincts and modify personal dispositions and tendencies (innate, pathological). In other words, the biological and moral transformation of minors who were victims of the laws of the generation required the joint intervention of the doctor and the pedagogue/educator. In contrast, the regeneration or moral renewal of minors who were victims of the laws of imitation was the exclusive work of pedagogues or (social) educators.

In these ethnographic narrations, Father 'Paladino' of the protection of minors explains that there were five stations of the 'infamous way' travelled by the minors in their trajectory, from the transformation from innocent to delinquent, sometimes accidentally or occasionally, but whose path of delinquency was constituted, before the LPI of 1911 by the police detention to the police dungeon with the placement of a hood on the head and a costume; from the dungeon to the 'Judgement' in (criminal) court; the mixture coming from the jail/prison swarm or prison between the various types of criminals and delinquents and ages; by the public spectacle of the trial or the condemnation that encouraged the conduct or traumatised the minor; and by the fixed measure of the Penal Code when assigning the penalty for the committed offence/infringement (COSTA, 1949, p. 17-25). Oliveira (1923d, e, f) wanted to reform and introduce tutelary measures of protection and prevention based on a socio-educational intervention to remedy this infamous path through which many minors were passing.

Effectively, in the field of the pedagogy of delinquency, of the social maladjustment and deviation of children and young people, legislative, socio-educational and medical-pedagogical measures, social and educational programmes and internment or observation establishments (tutorials, refuges, reform schools, reformatories, correctional agricultural houses) appeared throughout the Republic. We recognise some limited capacity of penetration in the social and educational activities by the scientific community of the time in the elaboration of these ideas or by economic and financial difficulties in the execution of the legal and tutelary measures in the institutions and protection devices (ALVIM, 1961).

The main objective of the reeducation about delinquency was to habituate the minors to the disciplinary order, to work (workshop, agricultural) and to the principles of morality and the formation for citizenship. In other words, the aim was to educate them to have honourable and active civic and social conduct: "(...) I am not afraid to affirm that punishment and work will be the richest substances of the future criminological pharmacopoeia. Moreover, the work especially in the cases of minors, since its function is more to form than to reform" (OLIVEIRA, 1923c, p. 11). In order to have efficacy in this re-educative and regenerating process, it was necessary to know the minor inmate's personality, diagnosis, type and type of delinquency or

delinquency to discover the possibilities of regeneration and the aptitudes to learn a trade in internment. These social therapeutic and prophylactic actions in the regeneration of the minor were based on education for "work as a panacea in the work of regeneration" (OLIVEIRA, 1923c, p. 12). The sense of re-educating the minor through work constituted the tonic and the motor of that reconversion, united to the stimulus and the motivation to feel the strength of will and the (self) confidence in their personal and social capacities, to be able to reinsert themselves in the society and be useful adequately. Therefore, he recognised that developing in the internees the 'executive sense' and the 'economic sense' was fundamental for their regeneration (OLIVEIRA, 1923c, p. 128). The educationalist priest suggested that it was not only the laws (the power) that regulated the functioning of the various internment establishments but "(...) to transform them, above all, their moral atmosphere, and this transformation can only be achieved with a personnel very different from that which is generally found in them" (OLIVEIRA, LSJDCJ: 434). One of the essential points in the boarding schools was the existence of technically competent and humanely trained staff to intervene and deal with these minors.

It is not by chance that the Lisbon House of Correction, with the social and structural reforms carried out, above all at the level of the instruction or education provided (manual work, the lesson of things, musical/philharmonic education, physical education, workshop learning, curricular and sporting activities, etc.), having in the case of pedagogical gymnastics (Ling method) won an award at the International Congress of Physical Education in Paris 1913 (Figure 3).

Figure nº3 . The presence of the Caxias Correctional House at the International Physical Education Congress (Paris) in 1913, where it received an award.



Source: Caxias Museum (Ministry of Justice, 1958).

Legal-social and pedagogical assumptions in the Law on Child Protection

Fr. Oliveira learned and absorbed, from one day to the next, in the Houses of Detention and Correction of Lisbon (male and female), where he was chaplain and sub-director, the essentials for drawing up the Children's Code. He was, in the words of Sousa Costa (1945, p. 36), a day of love that infected those around him and this jurist in the "position of helping the orchardist". With outstanding commitment, the priest drafted the Decree of May 27, 1911, on the Law for the Protection of Children (LPI), approved in the last Council of Ministers of the Provisional Government and published in the Government Gazette on June 14. This diploma, in its 1st article, creates the Central Children's Guardianship and the National Federation of the Friends and Defenders of Children (article 112) and, also, the Refugia attached to the Guardianship (article 108), intended to temporarily gather abandoned, abandoned, abandoned minors, in moral danger or delinquents. The creation of these refuges obeyed specific characteristics and composition, decreed in articles 132 to 143. In the second paragraph of the Prologue of the Law, the child is recognised as "(...) the basis of societies, the raw material with which foundations will be built and cemented, the unpainted architecture of a new, solidly organised nationality will be erected". (MARTINS, 2015, p. 102). In order to ensure their protection and complete development, the situations in which the child was considered to be in moral danger, subject to the need for a measure to protect him/her (article 26) were consigned in that Law. In this way, the State assumed the responsibility to welcome and protect the situations of minors at the level of education, training and social development, inhibiting the paternal or tutelary power, whenever situations of negligence, bad examples, cruelty, contempt or mistreatment, poor economic conditions, to minors under sixteen years of age, that could put in cause the health, security or morality of the minor, were verified (several forms of inhibition of paternal or tutelary power - articles 17 to 25). These minors were subject to the application of legal measures, with the possibility, in exceptional cases, of being applied until the age of 18. These measures did not have a defined time limit.

In fact, the LPI, not only was an innovative document for the time, but it presented a clear vision of the difference between children and adults, considering that both should have distinct judicial treatments. Thus, Portugal is one of the first countries to introduce protective and pedagogical aims in its judicial protection system. Minors under 16 years of age with this diploma became criminally incapable. They started appearing before special courts, the Guardianship of Childhood, according to particular rules of procedure, applying to them their measures, essentially different from those in force for adults.

Effectively, in the 1st Republic, the boarding school became a measure of protection and reeducation of minors, but with more acuity, since the separation between the 'underprivileged child' and the 'deviant child' or in social deviation started to be made, imposing the notion that the 'abandoned child' or the 'poor and marginalised child' had different socio-educational needs from the 'delinquent child' and re-educational intervention processes (MARTINS, 2015). Furthermore, fears of social disorder and conflict were heightened during our study. The issues raised at the end of the 19th century started to be thought about and taken care of at the beginning of the 20th century. A set of national and international laws arose specifically designed to protect minors. The promulgation of the Law for the Protection of Childhood of 1911 (LPI) indicates the reeducative measures of protection and regeneration, creates the Guardianship of Childhood and the National Federation of the Friends and Defenders of Children and has a particular attention for minors in danger of decadence or delinquency. Thus, the Law presented and defined itself in the following groups of minors (POIARES, 2010, p. 19-25):

- minors in moral danger. They were those children/young people without a certain domicile or living with families who, for various reasons, were incapable of ensuring their sustenance and education.
- minors in moral danger - abandoned. Their parents/family or guardians have abandoned them due to emigration or imprisonment, or they have run away from home to a known or unknown place; therefore, these children had no one to look after them.
- minors in moral danger - poor. These were those children whose families had no financial/economic means to support them. The families had to permit their children or ward to be institutionalised unless they suffered from tuberculosis, in which case they would be forcibly interned.
- minors in moral danger - mistreated. These children had been reported by someone, by some authority, institution or by themselves, due to ill-treatment by a relative/guardian. The process started with a medical (anthropometric) examination and written statements about this environment, which could lead to the inhibition of parental power.
- Unaccompanied minors: idlers, vagrants, beggars or libertines, alone or accompanied by other criminals, lived in a habitual state of idleness, vagrancy, begging or libertinage.

That diploma foresaw the reconfiguration of the practices of assisting and protecting children at risk, aiming to build a provident future for them (MARTINS, 2015). Oliveira, as a distinguished pedagogue of juvenile delinquency, considered that the juvenile delinquents were educable and correctable 'people', for whom the "intimidation exercised by the penalties was minimal, being maximum the probabilities of correction and reeducation by love, work (learning a trade), proper moral education and by the exercise of responsible freedom in the boarding school" (POIARES, 2010, p. 97). That social pedagogue defended that the minors should be taken care of, giving them assistance and education, in the sense of their correction, i.e., "protecting children is simultaneously defending the family and the society", since the "child is the adult in formation" (OLIVEIRA, 1923a, p. 2-3).

The Portuguese state considered the experience and the socio-pedagogical ideas of Fr. Oliveira to implement a set of principles that would regulate the action of the boarding institutions. Thus, it was planned an action based on disciplinary principles regulating the reception/attendance of minors, seeking to confluence the actions of medical, pedagogical and juridical-social nature. That pedagogical priest contributed to the Portuguese social reformers to create devices and instruments regulating the protection of Childhood. That diploma - LPI of 1911, breaks with the regime of the Penal Codes of the 19th century, according to which children were punished in the same ways as adults whenever they had acted with discernment, creating the intention of minors under the age of 16 an innovative intervention system with characteristic features, as Beleza dos Santos (1926: 54-70) summarises:

The innovative character of the LPI is evident not only in our legal tradition but also in the situation that existed in Europe. Portugal was the first European country to create specific courts to hear cases involving minors legally. However, at the time of the publication of the LPI, such courts were already operating in some foreign cities on a de facto basis. Our regime can be considered more 'generous' than most European systems, which admitted the possibility of imprisonment from an age limit below 16 years (BELEZA DOS SANTOS, 1926, p. 54).

Minors would now serve the measures imposed on them in special establishments, putting an end to the promiscuity which had existed until then between minors and adults who served their sentences in ordinary law prisons. The LPI initiates the tutelary Law for minors based on the introduction of several legal measures which would contribute to modifying the Law on minors and the way of seeing and organising special correction or reeducation institutions. They fought for preventive education in the promotion of hygiene, social prophylaxis, social involvement and reeducation strategies. With this purpose, the Houses of Detention and Correction became called Reform Schools. The State should assume a responsibility (tutelage) over children at the educational, training and social development level. This responsibility should be instilled in the parents since only *"in the practice of social laws that form positive activities, will it be possible to build a society that to the salubrity of the customs gathers the fruitful anxieties of knowledge and work"* (Preamble, of LPI) (MARTINS, 2015, p. 103). Art. 2 designates by Tutorship of Childhood "(...) a special collective court, essentially of equity, which is intended to guard, defend and protect minors in moral danger, helpless or delinquent, under the motto 'education and work'. It was up to that court to judge all cases, civil and criminal, concerning minors in moral danger, abandoned minors and delinquent minors (art. 10). Prevention, guardianship and individualisation would be the underlying principles of the juvenile Law, stated, in its Article 1 of the LPI, as its primary objective: *"(...) to prevent the social evils that may produce perversion or crime among minors of sixteen years of age or to compromise their life and health and to cure the effects of those evils"*. (MARTINS, 2015, p. 104-106)

Concerning the National Federation of the Friends and Defenders of the Child (articles 1 and 112), a juridical organism constituted by various official and private institutions, it aimed not only at the prevention and the promotion of children's interests but also as an auxiliary of the Guardianship, in the execution of judgements regarding minors. Its tutelary mission was to regenerate (pedagogical therapy) the minors 'in moral danger', in these institutions of assistance or institutions of the Federation, in order that, later, they would be directed to foster homes or educational establishments of a preventive character or inserted into society.

Oliveira (1918, 1923a, b, c, d) considered that the delinquent minors were educable and correctable "persons" for whom the general intimidation exercised by the penalties was minimal, the probabilities of correction and reeducation being maximum through love, through work (learning a trade), through adequate moral education and the exercise of responsible freedom in the boarding school. Nevertheless, it also considered that other 'incorrigible' minors were challenging to correct and re-educate, requiring a suitable environment (rural).

The fundamental principles, which guide this juvenile guardianship diploma in legal-legal, juridical-social and social pedagogical (correctional) terms, can be summarised in the following aspects:

a.)-Judicial intervention regime as a preventive system. The aim was to prevent minors from becoming delinquent. The Guardianship of the Child acted without waiting for the child to commit a crime; it acted whenever the child's behaviour showed that he was "perverted" or "corrupted" (expressions used in the Preamble and articles 1, 61, 63, 65, 76 and 77, of the LPI. Equivalent to delinquents, with analogous preventive measures, were minors named: abandoned minors "(...) in a habitual state of idleness, vagrancy, begging or licentiousness" (art. 58); undisciplined, those called incorrigible by parents, guardians or assistance establishments where they were interned (art. 59). The preventive character of the intervention was broad as it

was considered that the guardianship should act for the simple fact that the minor lived in a family or social environment that did not offer immoral educational conditions, which implied his exposure to the danger of falling into crime (MARTINS, 2015). It was the case of minors said to be 'in moral danger', abandoned, mistreated or poor.

b.)- Assistance and 'curative' purpose (curative and/or therapeutic pedagogy) to minors 'in moral danger'. The guardianship intervention had a protective character, mainly concerning the placement in a suitable family or an assistance institution. This juridical family measure was applied by inhibiting paternal power (art. 17 ff.). In relation to 'undisciplined', 'helpless' or even 'delinquent' minors, the action of the Guardianship was curative and not punitive (exclusion of criminal penalties for minors under 16 years of age) (CASTRO, 1912). It exclusively provided for the application of measures aimed at correcting and improving the minor. Similar to those applied to minors 'in moral danger', these measures placed them in suitable families or welfare and educational institutions (CORRÊA, 1915). Other measures to be applied could be financial penalties to the parents, placing the minor in supervised liberty under the surveillance of the judicial delegate and, also, internment in establishments (Central Reform Schools and, for the most serious ones, the Agricultural Correction Schools in rural villages).

c.)- Individualisation of the legal decisions adopted. Correctional measures were oriented towards the minor's condition and social and educational needs. The Guardianship always judged in the interest of the minor (art. 2), taking into account the minor's age, education, health, profession, abandonment or perversion, etc., factors that in the case of 'delinquents' were added to the nature of the crime, the circumstances (aggravating and attenuating), the social, moral and economic situation of the minor's parents or guardians. This individualisation of the decisions and the educational nature of the measures were of indeterminate duration or fixed by the Guardianship (articles 61 to 63 and 65). There was the possibility of changing these measures within certain limits, but whenever the minor's conduct justified it (articles 86, 87 and 89).

d.)- Reformulation of the judicial bodies entrusted with the application of measures to the categories of minors mentioned in the LPI. This norm created the Children's Guardianships (Central and Comarcãs) as collective courts, composed of a career 'judge' (president) and two 'assistant judges' (doctor and teacher). LPI expresses and reflects a deep scientific-pedagogical and legal - knowledge of the laws for the protection of minors. It integrates ideas and principles enshrined in the International Congress of Courts for Children (September 1911) and the decisions of the II International Congress for the Protection of Children (Brussels in July 1921) in such a way that it influenced similar laws in Europe and Brazil.

The concern for the child is very clear in that legal norm. Oliveira (OLIVEIRA, 1923b, p. III and 1924b, p. 357-358) considers the Portuguese child as the "*chrysalis of the true manual worker*", but the "*Society must give him the teaching of duty and work*". Only with the help of new methods, programs, and didactic resources was the child regenerated and educated, awakening their skills and abilities to practice their faculties and incorporate the normative principles of modern scientific research (OLIVEIRA, 1923b, p. LX).

It is evident that the LPI has in its principles a strong ideology (republican, positivist) and moralisation (educational), present in the very terms of the diploma (ideals of 'Homeland - Family - Work' and Reeducation, adjectivation of situations of mistreatment, regeneration of society, from the family and the child) (OLIVEIRA, 1918). It is obvious that the republican context was expressed in the priority to attend educationally, existentially and hygienically (eugenics) to the child due to the social danger, which its neglect, vagrancy, marginality,

begging and delinquency publicly supposed. Thus, schooling, discipline, learning a trade/work, and an adequate moral education were privileged (BELEZA DOS SANTOS, 1926). In it, a subjective preventive and tutelary right is conveyed, giving special attention to the social difficulties and social conflict of many children/young people (RAMOS, 1947).

The taxonomy characterising the types of juvenile delinquents and criminals

The classification of delinquent or criminal minors carried out by Father Oliveira, the fruit of his experience as a pedagogue/social educator is not inspired by any of the famous criminologists, scholars of crime or delinquency of the time even though, in some of his writings, he refers to classifications of criminals, for instance, of the anthropological criminologists, Quintiliano Saldanha, José Ingenieros and Francisco Veyga. Saldanha classifies, in the correctional line, criminals into the occasional criminal, with intervention based on intimidation in asylums and refuges, the habitual criminal treated with corrective measures (houses of correction and reformatories), and the incorrigible criminal treated by 'inoculation' (correctional agricultural colonies) (OLIVEIRA, 1923d, p. 187-189; 1923e, p. 343-374). The second, J. Ingenieros, responsible for the Criminology Institute of Argentina, classifies criminals in their psychopathologies (congenital, acquired and transitory) in moral anomalies; intellectual anomalies and combined types (intellectual affective and impulsive, volitional intellectual, intellectual impulsive affective (OLIVEIRA, 1923b, p. 357-359 and 446-448; 1923d, p. 337-338). F. Veyga, professor at the University of Buenos Aires, characterises and analyses psychologically the 'lunfardo' (=one who plunders, being identical to the 'jackal' of the Portuguese scum) in its various criminal manifestations (OLIVEIRA, 1923d, p. 445-455).

Oliveira elaborates his classification of delinquent and criminal minors based on the semantic language used in that subculture of delinquency at that time, characterising them in their behaviour (social psychology) and delinquent actions and even exemplifying them with nicknames/appendices of minors from the Lisbon House of Correction. All these designations and established characterisations were the fruit of observation (participant and natural) and the analysis of the delinquent and infracting conduct made by him at an institutional level. Here is his taxonomic typology:

(A)- The 'súcias' (morally stunted minors) integrated 'bohemia' (rich appearance and elegant manners - bohemians) and the 'scum' (poor súcias who acted by imitation, spontaneity and thought little of things, like the 'Mega Galatea' of the House of Correction (OLIVEIRA, 1923b, p. 443-445).

(B)- The 'Scum' was like a social group consisting of three castes: the upper one looked like tigers (tough, ravenous types); the middle one looked like 'wolves' (nocturnal criminals acting through the shadow of obscurity); and the lower one identified with 'jackals' (OLIVEIRA, 1923b, p. 464-467). This class of 'scum' was composed of:

- 'ruffians' are minor types who were wiry/ferocious in action and spontaneous and used razors, and were divided into 'gangs' (thieves acting as legitimate professionals) and 'vicious' (OLIVEIRA, 1923f, p. 66);

- 'Professionals' of robbery (crazy people with sense, tough guys) that were divided into: 'piles' with the figure of beggars (examples: 'Lata', 'M. ^a Alcântara' prostitute); 'cardanholas' with tendencies to be tough, violent and cheap, who acted in the culture of 'low fado' by frequenting taverns and brothels (examples: 'the 'Arroz-doce', 'Chata' prostitute, the 'Galatea'), which were subdivided into 'musqueiros' and 'espadistas'; and the 'punguistas' well-dressed jokers, with elegant posture, aesthetics and ajanotados, who frequented cafes and restaurants looking for 'costume girls' (examples: 'Mega' and 'Virginia' prostitute, 'Lagarto' and 'Ilhéu'), which were subdivided into 'seinhista', swindler and 'tralheiro' (OLIVEIRA, 1923e, p. 461-470).

To this taxonomy of delinquency, Fr. Oliveira (1923e, p. 477) added the figure of the 'fadista' who "waddled, dragged his feet, put the classic handkerchief around his neck, and, above all, combed his melena so that it fell well on his forehead without coming undone! "He said that being a nobleman and/or a commoner, he was characterised by being: loving and cruel, noble and scoundrel, kind and fakist, honourable and a thief, loyal and a coward, brave and a coward, friend and foe, that is to say, in ambiguity and contradiction of behavioural attitudes (OLIVEIRA, 1923f, p. 67-68). He gave, as examples of these types of juvenile delinquents, the 'Cigarette Smuggler' and the 'Alcobia', regretting that this "caste of criminals, genuinely from Lisbon, could not be studied in the light of the modern criminological science, because (...) it would show a very interesting and special type of criminal by the junction in itself of the most antagonistic feelings and tendencies" (OLIVEIRA, 1923e, p. 478).

In the scope of crime prophylaxis, that pedagogical priest thought of fighting the 'auxiliaries of delinquency' of all these species of professional thieves (cat burglars, thieves and robbers), as well as the 'robbery dealers' and the pimps (brokers, procurers), since all these adults (youngsters) degenerated children/adolescents who increased the emergence of juvenile criminality (OLIVEIRA, 1923d, p. 306; 1923e, p. 475-476).

Oliveira (1918, p. 82-84; 1923c, p. 63; 1923f, p. 36-50 and 61-63) typified the juvenile delinquents interned in the House of Correction, at the beginning of the 20th century, as 'crazy people with bad judgment'. XX, as 'crazy people with the sense' according to the offence and infraction committed in: 'punguistas' (thieves who generally do not use violence) who integrated the 'tralheiros' (thieves of chains, watches, pins, etc.), 'vigaristas' (thieves who generally do not use violence), 'tralheiros' (thieves of chains, watches, pins, etc.), 'vigaristas' (thieves of thieves who do not use violence), and 'tralheiros' (thieves who do not use violence).), 'swindlers' (swindling crooks), 'pickpockets' (pickpockets who act quickly and accurately); the 'cardinals' (thieves who used violence and aggression) subdivided into 'musketeers' and 'swordsmen'; the 'súcias' (bohemians and scum); the 'unhacas', the pategos and 'alonços'; the pickpockets; the sovaqueiros, golpistas and swindlers; the fadistas and 'faquistas'; those of the 'female tribade' (seductive, cheap, libertine and unscrupulous, e.g., 'Palmira'); pederasts and 'souteneurs'; 'fraldiqueira' (woman of the 'low fado', for example, Margarida, the 'Chata'), the 'mafarrica' (little prostitute slut, like 'Palmira'), the 'ramalheira' of brothels, etc.

Besides this identification, with their respective nicknames/appointments attributed to these 'castes' of delinquent/criminal and marginalised minors, whom Fr. Oliveira inserted in the 'strange land', with degraded characteristics and attitudes and with their own subculture, he also refers to their vulgar language used as obscene and slang, for example, the terms: 'magotes de maltrapilhos' (lots of ragamuffins), 'estábulo de gado humano' (stable of human cattle), 'lábria', 'chiça', 'lixar à carunfa', trabalhinho, encanadas, 'manca em flagra', 'dar bomba', pôr-se a 'cavanir', chinada, afiança, 'camoeca de escachar', etc. (OLIVEIRA, 1923b, p. 312-316; 1923d, p. 215-218; 1923f, p. 64-98). Significantly, the following sentence uttered in this delinquent subculture expresses well the domain of the coarse language: "Emília do F. did a five contos (five kilos) robbery in Rossio station, at the arrival of the train, afterwards running away to Oporto" (Emília do F. did a five contos (five kilos) robbery in Rossio station, at the arrival of the train, afterwards running away to Oporto) (OLIVEIRA, 1923e, p. 477)

Therefore, Fr. Oliveira analyses and carries out an ethnography of the crime of juvenile delinquents in his texts (he elaborates biograms and/or patches of life/histories of life with some socio-psychological narrations), in particular, he refers 'Galatea', Margarida - the 'Chat', Palmira, 'Ganga', 'Cigarinho', Manuel Chamiço - 'O Terrível', Raul Gameiro - 'Pé-Leve', 'Chico da Malveira', 'Caretas', 'Ladrão Fino', 'Espinholá', 'O Macaco Azul', 'Queixos de Rebeca', 'Chico da Alfama', etc. etc. All of them arising from social, family and cultural situations, conditions

and circumstances of misery and poverty of the environment in which they lived. It also deals with child and juvenile prostitution, describing the role of the 'pimp', the characteristics (bending, stretching) of the underage inmates in confinement (houses of correction, prisons or correctional colonies), the way they act in that life of moral promiscuity, the complex process of moral reeducation and regeneration through work, the discipline met with revolt, etc.

Ideas to be retained from the study

Fr. Oliveira was one of the Portuguese pedagogues who best represented the movement for the protection and moral regeneration of childhood/youth, especially those in situations of risk, of social difficulties and conflicts, as well as the assumptions of re-educational pedagogy to those interned in special correctional establishments at the time (pedagogy of delinquency and infant-juvenile criminology). He was a social pedagogue in the action and intervention of delinquent and marginalised minors. In practice, he became a social educator through the innovative regulation in 1902 for the Lisbon House of Correction as the re-educational programme he proposed by sections/divisions in the reform establishments in 1911. He knew that the individual is nothing outside society, so the aim of education is to socialise him to insert him as a useful and active citizen. This was the action of the social educator in the regeneration and social reinsertion of young people. He managed to unite the pedagogical techniques with the social ones in the intervention, constituting the bases of 'education and work' to be followed for social control. It thus establishes a social interaction (perception) with the minor in a deviation situation.

Fr. Oliveira is aware that there was a series of difficulties in this correction or regeneration of the delinquent minors, for example (OLIVEIRA, 1918, 1923a, 1923f, 1924a): the differences in personality, the types and inclinations and the antecedents causing their state of deviation, marginalisation and infraction; of how to endure the effect of the educational actions on the internee so as not to be able to relapse later (evade and/or re-offend); of how the deprivation of liberty, in boarding school, as a measure of social defence, did not create a label and trauma of deprivation difficult to overcome in the process of social insertion; the effect of probation and semi-freedom on the process of regeneration and reeducation; the high percentage of minors with psychic and/or cognitive abnormalities (pathologies) among minors interned in correctional facilities; the lack of means and qualified personnel to carry out the tasks of reeducation; the lack of adequate funding; etc. ~

He was the mentor of the LPI, a profoundly innovative legal normative, which placed Portugal among the first countries in Europe to legislate in an area of Law, until then neglected, establishing itself as a historical landmark as far as the History of Childhood is concerned. The LPI, besides establishing educational measures, created the Tutorias da infância, and the Federação Nacional dos Amigos e Defensores das Crianças established educational and regeneration measures. That legal diploma refers to the various provisions, indicating all the possible variants of perversion, the type of correction of minors, obligations of the guardianship and also the work structure of the Guardianship of Childhood (processes). Father Oliveira analysed the characteristics, personalities, and capacities of the minors interned in the special establishments. However, he recognised that the objectives of the LPI were not fully understood by the Portuguese people and society (hence the amendment of that Law in 1919 and 1925) since the Preamble of this legal diploma said little or nothing about its tutelary objectives, besides its wording being imperfect and somewhat deficient in legal terms. He later states that:

This Law suffers, however, from two enormous defects: first, it was published before its apostolate was created, that is, before its high aims had penetrated the brains and hearts of all men of goodwill; second, it was not duly revised and coordinated by a competent juriconsult (OLIVEIRA, 1923b, p. LXIII).

It admittedly was a legal-social blur in the political context and conjecture of the Republic:

Even in a blur, it was a great honour for the country since this Law shows that Portugal was the first nation in the world, at least to my knowledge, to establish the Guardianship of Childhood with a purely preventive and protective mission, in addition to the corrective function of the first children's courts (OLIVEIRA, 1923b, p. LXIII).

In 1912 a decree regulating vagrancy in the country was published. Oliveira gathered a set of elements, the fruit of his experience, which enabled him to participate in service commissions in the organisation and creation of institutions and, above all, to communicate to public opinion in newspapers and books, explaining to the nation the purpose of the tutelary work of protecting children. In that same year, he proposed the installation of the 'Preparatory Section' in Benfica, for the 1st Degree of Minors old from Caxias. In this section, a gazette-type newspaper, "O Principiante" (no copies exist), was founded, made by the pupils in the copier, and then printed on a press which belonged to the Jesuits of Quelhas. That Section was definitively transferred to Caxias in 1921. In 1919, by Decree-Law no. 5611 of May 10, the General Inspection of the Services for the Protection of Minors was created, of which Fr. Due to the sick state and the duties of inspector-general, Dr António Ilídio Teixeira de Vasconcelos was appointed superintendent of the Caxias Central Reform School in 1920.

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Therefore, our approach to the pedagogy of juvenile delinquency at the beginning of the 20th century has the figure of Father Oliveira as a reference because he was a great social pedagogue but was forgotten in the History of Social Education in Portugal. He accomplished an educational work of great socio-pedagogical vision, a proposal of reeducation of institutionalised delinquent minors, bequeathing us a moral "primer" which

has for the title the fundamental commandment of his educational doctrine: "Let us leave the parents, let us take care of the children" (OLIVEIRA, 1923B). In other words, he intended to "save the child to save the race" (Oliveira, 1923a), demanding the adoption of a domestic moral, premeditated and conscious, in the boarding school and the school a complete education more technical and professional, stimulating and re-founded on more modern pedagogical bases (active methods).

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