

## School education guidelines in an institution for minors regarded as antisocial (Santa Catarina/Brazil – 1972-1982)<sup>1</sup>

### *Diretrizes para a educação escolar de uma instituição para menores considerados antissociais (Santa Catarina/Brasil – 1972-1982)*

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#### ABSTRACT

This article aims to identify features of the school education carried out at the Educational Center for Minors (*Centro Educacional para Menores* [CEM]) between 1972 and 1982. This paracriminal institution, created by the Government of the State of Santa Catarina, in southern Brazil, from the perspective of the Minor's Welfare Foundation (*Fundação do Bem-Estar do Menor* [FUNABEM]), had as its main goal to shelter male minors regarded as antisocial who lived in the Greater Florianópolis. The first part of the text describes how, from a bureaucratic-administrative viewpoint, the building of the CEM took place, as well as it provides a profile of the teenagers and young people admitted to that institution. And the other part of the text analyzes the national and state-level guidelines that governed school education.

*Keywords:* Adolescent. Education. Paracriminal Institution. Military Dictatorship. State of Santa Catarina/Brazil.

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## RESUMO

Este artigo visa identificar as características da educação escolar levada a cabo no Centro Educacional para Menores (CEM) entre 1972 e 1982. A instituição parapenal criada pelo governo do estado de Santa Catarina (Brasil), sob a ótica da Fundação do Bem-Estar do Menor (FUNABEM), tinha por objetivo principal abrigar os menores de idade do sexo masculino considerados antissociais, que habitavam na região da Grande Florianópolis. Na primeira parte do artigo, buscou-se descrever como se deu, do ponto de vista burocrático-administrativo, a edificação do CEM, bem como apresentar um perfil dos adolescentes e jovens internados na instituição. Na outra parte do artigo, centra-se o foco da análise nas diretrizes nacionais e estaduais que nortearam a educação escolar.

*Palavras-chave:* Adolescente. Educação. Instituição Parapenal. Ditadura Militar. Santa Catarina/Brasil.

## Introduction

In the early 1970s, the building of a second bridge connecting Santa Catarina Island to mainland and the embanking of a large sea area next to the central area in Florianópolis significantly changed the local landscape. The Colombo Salles bridge and the Baía Sul embankment have become icons of the Santa Catarina State Development Program (SILVA, 2012). These infrastructure projects carried out in the capital of the State of Santa Catarina reverberated on the national scene as examples of progress and modernization in Brazil within a period then called ‘economic miracle,’ between 1969 and 1973 (LOHN, 2011).

The aforementioned infrastructure projects remain as the most important remnants of that period in the city, unlike other buildings dating from the same period, but which have lost importance or ceased to exist. However, there were ‘marks’ left by the administration of civil engineer Colombo Machado Salles<sup>2</sup> in the social scope. Among these, government actions related to poor children and youth stand out, accused of antisocial practices<sup>3</sup>, who lived in the Greater Florianópolis during the 1970s. It is possible to see a relationship between infrastructure and urban mobility policy and actions aimed at children and youth. This interrelationship, at first, may seem unreasonable, as it is a coming closer between sectors that are very different from each

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<sup>2</sup> In April 1970, the President of the Republic, General Emílio Garrastazu Médici, appointed civil engineer Colombo Machado Salles to take office, as a so-called “bionic,” as governor of the State of Santa Catarina.

<sup>3</sup> Although the term “anti-social” does not appear in the Code of Minors that was in force in Brazil between 1927 and 1979, in the State of Santa Catarina it was used in official documents to refer to practices that could be qualified as petty or misdemeanor. It is understood that the term “minor engaging in antisocial behavior” fuelled the stigma that hovered over the social category “minor.”

other. However, both actions had a common point, namely, the interconnection between political interests of regional and national elites during the military dictatorship period (AREND; DAMINELLI, 2014).

This article seeks to identify the main features of the guidelines that governed the school education carried out, between 1973 and 1982, at the Educational Center for Minors (*Centro Educacional para Menores* [CEM]), the main correctional institution in the State of Santa Catarina for male teenagers and young people, regarded as antisocial. Faced with the unavailability of documentary sources in the files of institutions that replaced the CEM and in the state archives<sup>4</sup>, the search for data to build this analysis took place within the scope of the then enforceable or justiciable legislation and in academic papers written between the 1970s and 1990s, which, directly or indirectly, addressed the same theme.

In the federal legislation analyzed, the following documents stand out: the 1927 Code of Minors - Decree No. 17,943-A, enacted on October 12, 1927 (BRASIL, 1927); the law that created the Minor's Welfare Foundation - *Fundação do Bem-Estar do Menor* [FUNABEM] (BRASIL, 1964); the 1979 Code of Minors - Law N. 6,697, enacted on October 10, 1979 (BRASIL, 1979); and Law N. 5,692 on August 11, 1971 (BRASIL, 1971), which Saviani (2008) refers to as the "Law on the Guidelines and Bases of Technicalism." As for the state-level legislation, the following documents stand out: the law that created the CEM; the law that created the Santa Catarina State Minor's Welfare Foundation (*Fundação Catarinense do Bem-Estar do Menor* [FUCABEM]); and Provimento N. 20/1984 (SANTA CATARINA 1984), which regulated the admission of "minors" to correctional entities. It is worth noticing that most of the studies addressing public policy for childhoods regarded as antisocial, put into practice in Santa Catarina during the military dictatorship, which have been taken as sources, are categorized as "gray literature." This set of documentary sources, in theoretical-methodological terms, has undergone discourse analysis from a Foucauldian perspective (FOUCAULT, 1996).

## Creation of the Educational Center for Minors and the FUNABEM

As of 1964, the Federal Government outlined the project for a 'new' Brazil, starting to implement it through an economic plan with a developmental nature and the remodeling of a series of public policies, such as, for instance, children and youth education and aid. According to Bresser-Pereira (1978), after the 1964 coup d'État, a new 'coalition of classes' was established in the country. The political and economic pact was established by representatives of national and multinational sectors of the industry, agribusiness, services, and State techno-bureaucracy led by the military

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<sup>4</sup> The document recovery inventory of the Public Archive of Santa Catarina, which contains the reports available for analysis, does not provide information about the CEM.

personnel. Under this coalition of classes, the Brazilian economy achieved, for a short period, high growth rates and a certain stability. According to this economist, “a strong national State, where civilian and military techno-bureaucrats stand, allows a political and economic control of society” (BRESSER-PEREIRA, 1978, p. 58).

The educational sector was also strategically used to support the authoritarian regime. The educational guidelines were reformulated, adjusting to the interests of the referred agents. By means of Law N. 5,692, enacted on August 11, 1971 (BRASIL, 1971), the Federal Government replaced a large part of the Law on the Guidelines and Bases of Education, which had been enacted during the administration of João Goulart, in 1961 (BRASIL, 1961). According to Jacomeli (2010), in this legal reform, the guidelines and bases of education were instituted according to the discourse that Brazil was experiencing a new era, which might require a school aimed at preparing manpower for the labor market, especially for the industrial sector.

Out of the set of changes in the field of social policy aimed at child and youth care, the creation of the FUNABEM stands out, which took place within the first year of the military regime, through Law N. 4,513, enacted on December 1, 1964 (BRASIL, 1964). The institution was created with the goal of “formulating and deploying a national minor’s welfare policy, by studying the issue and planning solutions, as well as resorting to guidance, coordination, and oversight of entities that carry out this policy.” FUNABEM emerged as a depositary institution for a significant portion of social expectations, being used by its leaders on various political fronts (DAMINELLI, 2019). Through this foundation, the Federal Government provided the country with a new proposal for child and youth care, spreading the redemptive work of the ‘Revolution’ (MIRANDA, 2014), as it got rid of the stigmas that hung over the old Minor’s Assistance Service (*Serviço de Assistência ao Menor* [SAM])<sup>5</sup>.

FUNABEM representatives began issuing guidelines and deploying some public policies that had repercussions for all regions in the country, including the State of Santa Catarina. When FUNABEM was created, in December 1964, the capital city already had the Minor’s Shelter (*Abrigo de Menores*) serving the state. In that year, the institution had around 250 inmates, being the main institution for “minors”<sup>6</sup>. Inaugurated in person by Getúlio Vargas in 1940, it was located about 4 km away from downtown Florianópolis and operated as a boarding school, admitting only children, teenagers, and young men. The vast majority of inmates were minors, who were considered “abandoned.” However,

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<sup>5</sup> The SAM was created in the first term of Getúlio Vargas, through Decree-Law No. 3,799, enacted on November 5, 1941. The history of the institution was marked by complaints of inefficient service provision, mistreatment of inmates, and corruption in the use of public funding (MIRANDA, 2014).

<sup>6</sup> In this article, the term “minor” is used in accordance with the legal discourse prevailing at the time, i.e., what appears in the 1927 Code of Minors.

the shelter also admitted those accused of committing the so-called antisocial deeds. As the main institution aimed at admitting poor children and young people in the state, the Minor's Shelter was directly impacted by the 'modernizing winds' blowing through FUNABEM's guidelines (SANTOS, 2006).

As of 1969, a transition process began in the care policy of the Minor's Shelter of Santa Catarina. As part of this movement, one of the first actions of the state government was to readjust the terms of the agreement it had with the Congregation of the Marist Brothers (*Congregação dos Irmãos Maristas*). The Catholic religious order had pedagogically and administratively managed the Minor's Shelter since its foundation, being responsible for the inmates' schooling and professionalization (SANTOS, 2006).

Still as part of the alignment with FUNABEM's guidelines, on June 12, 1969, the institution's name was changed to Educandário XXV de Novembro. The justification for the change in the institution's policy, which sought to align with FUNABEM's guidelines, was introduced by the then governor, in the 5<sup>th</sup> Annual Message to the Legislative Assembly. According to Governor Ivo Silveira:

It was necessary, as an imperative of the modern technique of minor's care, which advises against names capable of causing an impact on the child, making them feel like mere objects of State charity and deeming themselves marginalized, generating a feeling of revolt and humiliation, clearly harmful to the good educational process to which they are submitted (SANTA CATARINA, 1969 *apud* MACHADO, 2009, p. 117).

Starting in 1970, using federal funds, accessed through agreements signed with FUNABEM, the government of Santa Catarina completed the transition process, carrying out a broad technical, administrative, and physical restructuring in the so-called Educandário XXV de Novembro, which started to shelter only those considered "abandoned." The institution's physical structure was expanded and the Marist Brothers were gradually replaced by a team of state civil servants (SANTOS, 2006). Inserted in this context of changes, on June 30, 1972, Governor Colombo Machado Salles, establishing yet another "link" in the political alignment between the state government and the Federal Government – represented, in this case, by FUNABEM –, signed Law N. 4,744, enacted on June 30, 1972 (SANTA CATARINA, 1972), with which he created, in the administrative organization chart of the state's Executive Branch, a new institution designed to serve the child and youth population regarded as antisocial – the CEM.

The new institution was unique because, unlike the Minor's Shelter of the State of Santa Catarina, which sheltered "minors" considered abandoned and those accused of committing antisocial deeds, the CEM was exclusively intended for admitting the latter. The data contained in documentary sources do not allow knowing whether, in addition to the political-institutional alignment between the state government and the Federal Government, other issues of a local nature provided the institution's creation with a basis.

Despite being implemented under the name CEM, the institution was not linked to the Department of Education, being allocated to the State Department of Social Services, whose incumbent was the former commander of the Florianópolis Air Base, Colonel Marcelo Bandeira Maia. Starting from the analysis of the CEM's goals, it is concluded that, with the creation of this new institution, the State of Santa Catarina established a break in the socio-educational policy of providing the child and youth population with care.

By pointing out the creation of the CEM as a break in the care to minors regarded as antisocial, the pre-existence of other institutions with similar goals is not disregarded, given a consolidated tradition of admitting minors considered 'delinquent'<sup>7</sup> to institutions in the State of Santa Catarina (and in Brazil). The CEM, in addition to the Minor's Shelter of Santa Catarina, was preceded by the following 'houses' aimed at admitting male minors: the Patronato de Anitápolis, which operated during the 1920s; the Escola de Aprendizes Marinheiros de Florianópolis; the public jails in municipalities; and the Penitenciária da Pedra Grande, located in the capital city. However, none of these federal, state, or municipal institutions was created with the specific goals of the CEM.

According to the law, the institution had the exclusive goal of "globally educating and preparing minors aged between 14 and 18 years, accused of committing antisocial deeds and displaying serious misconduct" (SANTA CATARINA, 1972). Unlike the institutions that preceded it and that admitted teenagers and young people considered "delinquent," the CEM was intended for admitting "minors" who displayed "serious misconduct." The legal concept of "misconduct," which did not appear in the prescriptions of the 1927 Code of Minors, started to appear in 1979, in a legislation written later for childhoods and youths, still under the dictates of the rulers of the authoritarian regime. According to this code, or version, the term "misconduct" was distinguished from the concept of "criminal offence." This means that a "minor," considered in misconduct, did not necessarily commit a crime. However, such labeling allowed for various interventions by public authorities, including admitting this minor to an institution. Then, it turns out that the said legal concept was already being applied by legal practitioners throughout the 1970s, before the creation of the new code of minors, in 1979. Therefore, the differential feature of the CEM consisted in the constitution of a paracriminal institution in the State of Santa Catarina.

In this article, the concept "paracriminal system" is used from the Foucauldian perspective. According to the author, paracriminal institutions were designed not to be prisons in the strict sense, but because their physical structures and regulations constitute spaces of containment, surveillance, and discipline. When characterizing this type of institution, Foucault (2011, p. 279) claimed that "every paracriminal institution, which

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<sup>7</sup> In this study, the term "delinquent minor" is used as prescribed in the 1927 Code of Minors.

is made not to be a prison, culminates in a cell on whose walls this is written in black letters: 'God sees you'."

Educator Sérgio Guerra Duarte introduces, in his study, a national panorama on the state units of minor's care, including those responsible for admitting the ones accused of antisocial deeds. According to the researcher, as for minor's care in the period, the State of Santa Catarina displayed the following scenario:

[...] In 1977, the new facilities of the Reeducation Center were inaugurated, in a wing attached to the Reception and Screening Centre (*Centro de Recepção e Triagem* [CRT]). "Previously, the service was provided in a small-sized building, lacking the conditions for systematic technical assistance." The vacancies were increased from 11 to 22 and the technical staff of the CRT will be available to minors. Ms. Ingrid Zwoelfer de Troncoso, President of the FUCABEM, announced the arrival of the Oblate Sisters to implement female re-education in the Greater Florianópolis, and the release of funds for Provisional Admission, starting in October 1977 (DUARTE, 1978, p. 118).

Based on what was exposed by the author, it is possible to state that in its early years of operation, the CEM had only 11 vacancies. Duarte (1978) mentions, in his text, the Reeducation Center, a name that the entity took from 1977 onwards. In 1975, the government of Santa Catarina, taking another step towards alignment with the National Minor's Welfare Policy, created the FUCABEM, an institution that served as a kind of "subsidiary," at the state level, of the FUNABEM. The institution was created through Ordinary Law N. 5,089, enacted on May 14, 1975 (SANTA CATARINA, 1975). According to Art. 89, IX, sole paragraph, of the aforementioned law, the FUCABEM should "execute Juvenile Justice sentences" (SANTA CATARINA, 1975).

The FUCABEM started its activities on two main fronts: the "Program for Preventing Minors' Marginality" and the "Socio-Therapeutic and Support Program." On the first front, it committed itself to helping those considered underprivileged 'minors' at risk of becoming abandoned; on the other front, it aimed at repairing conducts regarded as antisocial. For deploying the "Socio-Therapeutic and Support Program," two types of detention units were needed: education centers – intended for admitting minors considered abandoned – and re-education centers – intended for admitting minors whose behavior was regarded as antisocial (FERNANDES, 1990). As a result, as previously mentioned, the name "Educational Center for Minors" had changed to "Reeducation Center."

Possibly, after about four years of operation, the institution already had problems regarding the care provided to inmates, since, according to Duarte (1978), even with few admission vacancies, minors did not receive "systematic technical assistance." According to the law creating the CEM (BRASIL, 1972), the inmates should receive biopsychosocial and legal assistance of an interdisciplinary team, which means

“systematic technical assistance,” encompassing medical, psychological, social service, and educational assistance.

Another process observed refers to the 100% expansion of the institution’s vacancy capacity. The “delinquency” rates of the child and youth population registered in the Greater Florianópolis, as well as the profile of minors apprehended in that period, do not inform about the reasons for expanding the capacity of the then Reeducation Center. On the contrary, as we can see in Table 1, within the two years that preceded the referred increase in the number of vacancies, the rates related to “child and juvenile delinquency” in the region of the capital of the State of Santa Catarina were on a downward curve.

TABLE 1 – EXISTING INVESTIGATIVE PROCESSES IN THE MINOR’S COURT JURISDICTION IN FLORIANÓPOLIS BETWEEN 1971 AND 1976

Year	Sex				Total	
	Male		Female		absolute	relative
	absolute	relative	absolute	relative		
1971	87	75	29	25	116	100%
1972	94	69.12	42	30.88	136	100%
1973	115	78.67	31	21.33	146	100%
1974	165	58.1	119	41.9	284	100%
1975	121	75.15	40	24.85	161	100%
1976	49	71	20	29	69	100%
Total	631	69.19	281	30.81	912	100%

SOURCE: Reproduction of the table prepared by Campos (1978, p. 36).

In November 1978, the then public prosecutor, Nuno de Campos, who had worked along with the Minor’s Court Jurisdiction in the Capital District since 1971, wrote a Master’s dissertation entitled *O Estado e os menores de conduta anti-social* (CAMPOS, 1978), aiming at the obtaining a Master’s Degree in Law. For preparing the study, Campos (1978) collected a large amount of data on the problem of juvenile delinquency in the municipality of Florianópolis, which enabled him to draw a profile of this population. From these data, we extracted the following profile of the antisocial teenager at that time:

Sex - predominantly male; Age - 16 and 17 years old; School level - illiterate or did not complete the fourth grade of Elementary School; They currently do not work or study; The parents are married and the minor lives with them; The antisocial deed is a crime against property: simple theft or a form of aggravated theft; Older people are more likely to get involved with drugs; The minor comes from the outskirts or the closest neighboring towns and commits the antisocial deed downtown (CAMPOS, 1978, p. 57).

Campos (1978) reports that the information displayed was gathered from data collected over six years in 912 civil investigative processes, in which 769 minors appear to be involved. Among the information made available in the tables and graphs, those that deal with the detailing of the type of offense committed by minors stand out. According to the author:

With regard to crimes against property, there is a large percentage of simple thefts; a little less than half of all crimes against property. This indicates that our offending minor commits theft alone and primarily. Qualified thefts are the result of a concurrence of perpetrators or break-in, mainly of cars.

**Crimes against property with violence to the person almost do not occur.** As for crimes against life, we verified, in the survey carried out, that the great incidence, in this type, is of bodily injuries (fights). **The number of homicides is very small.** Within the six years surveyed, there were only 9 cases (CAMPOS, 1978, p. 57, emphasis added).

From the quantitative and qualitative data displayed by the author, it is concluded that the increase in the number of admission vacancies in the CEM did not reflect an increase in the so-called juvenile delinquency in the Greater Florianópolis. The building of the aforementioned center and the increase in the number of vacancies were the product of a policy for increasing the criminalization of poor children and youths, a policy that gained momentum during the military dictatorship period. The same may be said in relation to Educandário XXV de Novembro – which received the child and youth population in a situation of abandonment –, which had its capacity increased to reach 250 vacancies. Therefore, the data indicate that during the 1970s the ‘minor’s issue’ in the capital of the State of Santa Catarina was related to poverty, much more than to offenses (AREND; DAMINELLI, 2014).

## **Guidelines for school education at the Educational Center for Minors**

Although the law creating the CEM provides that the institution should receive those sent to it by the Minor’s Court Jurisdiction in the Capital District, the institution was not built on land located in the municipality. The land intended for this purpose was located in a little urbanized area in the municipality next to the capital city - São José. In the 1970s, the modernization process of the capital of the State of Santa Catarina, with the consequent increase in land value, purged the poor out of downtown and the neighborhoods inhabited by the middle classes, so that the building of an institution of that nature was incompatible with the real estate projects undertaken by local elites (LOHN, 2011).

The area destined for the institution was located in a region with low population density; therefore, easily acquired by the government of Santa Catarina. When compared with the area of the old Minor’s Shelter of the State of Santa Catarina, it is possible to

see a great reduction in space, decreased from 55,000 to less than 30,000 m<sup>2</sup>. This figure is relevant due to the correlation between the space and the pedagogical proposal put into practice in the new institution. That is, the CEM's pedagogical proposal had not been based on the "model" named as "agricultural colony." The "correction houses for minors" had as a reference, for a long time, the Mettray Agricultural Colony, inaugurated in France in 1840, a model that, at that time, spread throughout Europe, being deployed later in various parts of the world, including in Brazil (FOUCAULT, 2011)<sup>8</sup>.

The CEM comprised a completely walled space, with only one access gate; only one pavilion with eleven individual rooms; an administrative sector; a soccer field; and a small area for growing vegetables and greens. Different from the intuitions that preceded it, in the CEM there were no collective accommodations, but single rooms of about 4 m<sup>2</sup> each. We cannot say whether these rooms initially had a bed made of rock, a barred window, and a steel door, having a small opening at eye level. That was the prison architecture described by researchers and legal practitioners who visited the institutions that occupied the same space from the 1980s onwards<sup>9</sup>.

As for the type of care that should be provided to inmates, the law that had created the institution established that they should be the subject of a biopsychosocial and legal study capable of pointing out, in addition to a global diagnosis, the most effective therapeutic treatment for their future social reintegration. Issues related to space, as well as the functioning of therapies, constitute the first indications of the type of corrective/coercive pedagogical practices that were on the horizon of the CEM within the period under study. The implications of the use of physical space, as a disciplining strategy, were the target of Foucault's interpretation:

The disciplines, by organizing the "cells," the "places," and the "rows," create complex spaces: at the same time architectural, functional, and hierarchical. They are spaces that provide a setting and allow circulation; they cut out individual segments and establish operative connections; they mark places and point out values; guarantee individual obedience, but also a better economy of time and gestures (FOUCAULT, 2011, p. 142).

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<sup>8</sup> In the State of Santa Catarina, the Patronato Agrícola, which operated in the 1920s in Anitópolis, is the institution that came closest to the French model. On this patronage, see Boeira (2012).

<sup>9</sup> In 2006, a commission made up of members of the Federal Council of Psychology and the Brazilian Bar Association (*Ordem dos Advogados do Brasil* [OAB]) carried out an inspection at Centro Educacional São Lucas, an institution that inherited the physical structure initially designed for the CEM. According to the Inspection Report, the facility had been designed from a prison perspective. The "rooms" resembled cells; ventilation and air conditioning were poor, leaving inmates at the mercy of rain and cold. The location of the "rooms," close to vacant lots, exposed inmates to insects and rodents. As most of the "rooms" did not have toilets, at night, inmates were forced to urinate and defecate in plastic bags or bottles.

Continuing in search of the guidelines that governed the pedagogical practices at the CEM, the legislation produced by the Brazilian State in force at the time is used. In that same period, the legislation related to the operation of the institution was mainly based on the following legal framework: the 1967 Federal Constitution; Law N. 5,692, enacted on August 11, 1971 (BRASIL, 1971), the so-called Law of Guidelines and Bases of Education (*Lei de Diretrizes e Bases da Educação* [LDB]), and Decree N. 17,943-A, enacted on October 12, 1927 (BRASIL, 1927) - Code of Minors, which consolidated the laws of social service and minor's protection.

These were the regulations that established the rights, sanctions, and obligations with regard to schooling, social service, and protection of teenagers and young people admitted to the institution during the 1970s. However, these legal systems were inconsistent with regard to the inmates' right and obligation to attend school. The 1967 Constitution, written during the military dictatorship, prescribed that "education from seven to fourteen years old is compulsory for all and free of charge in official elementary facilities" (BRASIL, 1967). That was a positive right, but not enforced, given the non-universal access to schooling in that period. There is no way to think of school education at that time as a fundamental or social right in the sense we know it today. As for social service and minor's protection, the 1967 Constitution limited itself to pointing out that the issue should be dealt with by a complementary law.

The LDB, instituted in 1971, during the administration of President Emílio Garrastazu Médici, did not expand the possibilities of access to schooling. It simply endorsed the limits already established in the aforementioned Magna Carta. However, the 1927 Code of Minors brought another legal provision (BRASIL, 1927). When dealing with the schooling to be offered by these disciplinary institutes<sup>10</sup>, i.e. by institutions of the same nature as the CEM, the aforementioned legislation provided, in its Art. 211, that minors be "given physical, moral, professional, and literary education." In the same article, item IV stated that by "literary education" one should understand compulsory elementary education<sup>11</sup>.

If the provisions of the 1967 Constitution had been applied and ratified in the LDB, considering that the institution was intended for admitting people aged between 14 and 18 years, the inmates would legally be entitled to only one year of schooling. However, the 1927 Code of Minors provided that inmates would receive compulsory schooling related to elementary education. Therefore, under the legal perspective of the 1927 Code of Minors, compulsory schooling for teenagers and young people deprived of liberty would not be limited to the age of 14 years, but should extend until the completion of

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<sup>10</sup> Nomenclature that the 1927 Code of Minors applied to institutions destined to admitting minors regarded as delinquents.

<sup>11</sup> Nomenclature in force in Brazil until 1971, for the first four years of schooling.

elementary education. Thus, if the educational facility had followed this regulation, the inmates would have been entitled to four years of schooling, regardless of their age.

By establishing the obligation of elementary education, the 1927 Code of Minors standardized several other issues related to school education within the scope of disciplinary institutes, prescribing a training itinerary that should include physical, moral, and professional education. In this context, Physical Education encompassed body hygiene, gymnastics, military exercises, and participation in sports competitions. According to the law, the purpose of this subject was to encourage the development and strengthening of the bodies of minors. The subject Moral Education sought to instill obligations and procedures related to family, work, and homeland.

Still in the sense of standardizing the pedagogical practices that should be put into practice within the disciplinary institutes, the 1927 Code of Minors, in its Art. 210, provided that each class should be overseen by a teacher, who should intervene in the individual education of inmates, instilling in them the moral principles necessary for their own “regeneration.” To do this, the teacher had to carefully observe the inmate’s “vices, tendencies, and virtues” and register the notes in a specific book (BRASIL, 19278, s/p.).

According to Art. 113 of the same code, institutions could establish, in their regulations, rewards and punishments for inmates, but excluding any possibility of physical punishment. However, despite the importance of the right to schooling for those deprived of liberty, the goals of the 1927 Code of Minors (BRASIL, 1927) were not limited to cognitive development and the acquisition of systematized knowledge, but aimed at their emancipation.

The CEM was created in a period when there were significant changes in educational guidelines. We agree with Jacomeli (2010) when she states that the educational project of the Federal Government had, among its goals, to produce social “meekness.” According to the author, within that period, school education was used to spread nationalist values based on Liberalism:

Liberal rhetoric was and still is used by the school as a way of disseminating desirable values to keep society “cohesive” and “peaceful”, in accordance with the precepts postulated by its ideology. This can be noticed when analyzing this legislation and curriculum for the elementary school level in the period (JACOMELI, 2010, p. 76).

In order to adjust the school curriculum to current political projects, the authorities anticipated the drafting of the 1971 LDB, publishing Decree-Law N. 869, on September 12, 1969 (BRASIL, 1969). In its Art. 1, the institution was determined to provide, “on a mandatory basis, as a subject and also as an educational practice,” the “Moral and Civic Education, in schools of all degrees and modalities, within the education systems in the Country” (BRASIL, 1969, s/p).

In the context of disciplinary institutions aimed at admitting minors, such a determination was not new, since the 1927 Code of Minors already prescribed Moral Education as a subject. However, the decree-law added other nuances to moral education:

Art. 2. Moral and Civic Education, based on national traditions, aims to:

- a) the defense of the democratic principle, through the preservation of the religious spirit, the dignity of the human being, and the love of freedom with responsibility, under the inspiration of God;
- b) the preservation, strengthening, and projection of the spiritual and ethical values of the nationality;
- c) the strengthening of national unity and the feeling of human solidarity;
- d) the cult of the Motherland, its symbols, traditions, institutions, and the great figures of its history [...] (BRASIL, 1969, s/p).

Therefore, from that historical moment onwards, to the teaching of morals – which had been largely based on the perspective of the morality of the Brazilian elites responsible for the making of school curricula – civility was added, so dear to the maintenance of the authoritarian State. Possibly, the CEM inmates underwent pedagogical interventions based on this conception of morality while they attended the classrooms of the Brazilian Literacy Movement (*Movimento Brasileiro de Alfabetização* [MOBRAL]), established in 1967 by the Federal Government. The MOBRAL aimed to reduce the high illiteracy rates observed among the Brazilian population, which, in that decade, was around 40%<sup>12</sup> among people over 15 years old.

Regarding the professional education offered to the CEM inmates, it is understood that, regardless of the professional courses made available, the pedagogical practices were probably aimed at merely instrumental training, given the concept of technical education that hegemonically guided professional training since the enactment of the 1971 LDB. That is, the educational perspective aimed only at individual work practices, foreseeing the inclusion of each person in the workforce.

When dealing with professional education, it is worth noticing that the 1927 Code of Minors made prescriptions based on gender relations. According to the aforementioned law, within the so-called preservation schools<sup>13</sup>, aimed at girls and young women, the following crafts should be taught: “sewing and needlework, washing clothes, ironing, cooking, hat making, typing, gardening, horticulture, pomiculture, and poultry raising” (BRASIL, 1927, s/p), crafts that poor women would perform mainly as housemaids and/or housewives.

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<sup>12</sup> According to the IBGE (2007), the illiteracy rate in Brazil, in the 1960s, was 39.7%.

<sup>13</sup> The 1927 Code of Minors provided for the admission of female minors to institutions named as “preservation schools.”

Regarding the professionalization of male inmates, as in the case of the CEM, the authors of this piece of legislation possibly understood that the universe of possibilities of male work did not differ from that of women only in terms of nature – for the latter, there was a predominance of activities related to domestic service –, but also could not be defined merely by identifying a dozen professions, which is why the issue was left open. According to Art. 211, III, of the 1927 Code of Minors, professional education might involve the “learning of an art or a craft, appropriate to the minor’s age, strength, and ability and to the conditions of the facility (BRASIL, 1927, s/p).”

Still on the issue of professional education, it is worth recalling that the 1971 LDB (BRASIL, 1971) made professionalization mandatory in High School courses. Faced with these legal determinations, it is suggested that within the walls of disciplinary institutes, labor training workshops were not limited to teaching a profession. In order to understand the role of professional education in this type of institution, Foucault (2011, p. 230) states:

The usefulness of penal service? It is not profitable; not even the development of a useful skill; but the constitution of a power relation, of an empty economic form, of a scheme of individual submission and its adjustment to a production apparatus.

Within disciplinary institutes, professional education was understood as the main possibility of ‘redemption’ for inmates. Social worker Angela Fernandes analyzed the impacts of the 1979 Code of Minors on the routine of inmates at the Centro Educacional São Mateus, an institution that “succeeded” the CEM, and its successor Reeducation Center. According to the author, the institution, in 1990, sheltered minors of both sexes and offered the following professional courses: gardening, horticulture, cooking, carpentry, arts, and sewing. As some of these professional courses are similar to those provided for in the 1927 Code of Minors, possibly part of them were implemented at the CEM during the 1970s and continued to be taught in the following decades.

In Florianópolis, as pointed out by Campos (1978), among the “minors” accused of committing antisocial deeds, there was a predominance of males, aged between 16 and 17 years. These teenagers and young people, according to the author, were illiterate or had less education than the 4<sup>th</sup> grade of the then Elementary Education. We see that the deploying of pedagogical activities aimed at schooling and professionalization within the CEM could contribute, if not to the personal and social emancipation of graduates, since this is not the institution’s goal, at least to the maintenance of the person’s subsistence when returning to wider social life. From this perspective of analysis, the number of years of schooling and the acquisition of a craft skill during the hospitalization period could expand the possibilities of insertion in the labor market, helping the graduates to avoid the so-called “irregular status.”

Finally, based on the study by Fernandes (1990), it is also possible to observe, with the advent of the 1979 Code of Minors, that the CEM needed to be adapted to the new legal system. In 1982, the institution was restructured, its physical space was divided to make way for two new institutions: Centro Educacional São Lucas and Centro Educacional São Mateus.

After this restructuring, according to the analysis of the regulation entitled Provimento No. 20/1984 (SANTA CATARINA, 1984)<sup>14</sup>, issued by the Court of Justice of Santa Catarina, it is inferred that at that moment the institution – which had been designed in the early 1970s to discipline teenagers and young people regarded as antisocial and engaged in serious misconduct – no longer met the social needs that erupted with the end of the period named as economic miracle<sup>15</sup>. According to Provimento N. 20/1984:

Art. 15. **Notoriously dangerous juvenile offenders**, aged between 14 and 18 years old, may be admitted to Centro Educacional São Lucas, located at the District of São José.

Sole paragraph. A **notoriously dangerous offender** is considered to be the one whose personality, background, and conditions, as well as the reasons and circumstances of the deed, presume the need for treatment in a containment regime, with the purpose of preventing the continuation of the commitment of other serious offenses (SANTA CATARINA, 1984, emphasis added).

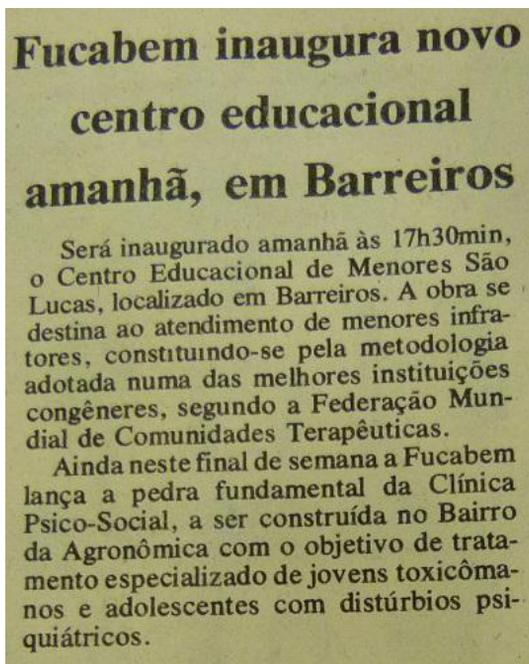
Consolidated in 1982, the “transformation” of the CEM into Centro Educacional São Lucas and Centro Educacional São Mateus had at least one historically delineable meaning. A decade after it was created, the paracriminal house ceased to admit the social category named as “antisocial minor and engaged in serious misconduct” and started to admit the social category named as “notoriously dangerous juvenile offenders.” Figure 1 displays an article published in the newspaper *O Estado*, dealing with the inauguration of Centro Educacional São Lucas.

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<sup>14</sup> The document was published in September 1984, by the Justice’s Inspector General of the State of Santa Catarina, with the aim of regulating the admission of minors to assistance entities.

<sup>15</sup> After the oil crisis in 1973, the pace of growth in Brazil slowed down and within the period between 1974 and 1981 the average annual GDP growth dropped to 5.4%. The economic strategy of the military dictatorship was to adopt a growth model based on foreign savings, which led the country to a growing debt and the financial crisis of the 1980s. (BRESSER-PEREIRA, 2014).

FIGURE 1 – ARTICLE ABOUT THE INAUGURATION OF CENTRO EDUCACIONAL SÃO LUCAS



SOURCE: Newspaper *O Estado*. Nov. 12, 1982.

Although the magistrate, author of Provimento N. 20/1984, proposed a definition of what was a notoriously dangerous offender, such a concept, or even the terminology used, did not find support in the legislation currently in force. Therefore, we think that the term “notoriously dangerous” was rather a stigmatizing discursive construct, just as in the case of the term “minor,” throughout the 20<sup>th</sup> century.

## Final remarks

The pedagogical practices carried out in institutions for antisocial teenagers, such as the CEM, were based on a pedagogical conception of a liberal-technical nature, which could only provide the inmates with school and instrumental professional training. From the above, it is understood that, during its initial period of operation, the CEM did not meet the political-institutional goals – solving the “minor’s issue” – agreed between the State of Santa Catarina and the Federal Government. In this sense, its failure was added to that of many other detention institutions, created in the national territory, which

were governed by FUNABEM's guidelines. In the early 1980s, both at the state and national levels, the failure of the project to "reinvent" poor Brazilian childhood and youth was already widely perceptible (DAMINELLI, 2019).

Faced with the conjunctural complexity, the tight measures adopted by the FUNABEM and FUCABEM were unable to overcome the poor structural stability in which the families of minors who were targeted by social service found themselves. Therefore, it remained up to the rulers, in their final moments, to send the "offending minor" considered notoriously dangerous to a "containment regime."

Likewise, due to the failure of its child and youth care policy and the advent of the Child and Adolescent Statute (*Estatuto da Criança e do Adolescente* [ECA]), the FUNABEM was extinguished in 1990. For the same reasons, two years later, the governors of the State of Santa Catarina brought the FUCABEM to an end. Nevertheless, the institution, created in 1972 under the name of CEM, after being restructured, continued to operate under other nomenclatures until it collapsed and was demolished in June 2011<sup>16</sup>. These institutions for teenagers regarded as antisocial ceased to exist physically, being noticeable the attempt to erase their memories; however, for many, they are still present as reminiscences of a series of public policies deployed during the military dictatorship.

## REFERENCES

AREND, Sílvia Maria Fávero; DAMINELLI, Camila Serafim. Políticas sociais para infância e juventude carente e infratora (1970-1980). In: BRANCHER, Ana Lize; LOHN, Reinaldo Lindolfo (Org.). *Histórias na Ditadura: Santa Catarina (1964-1985)*, Florianópolis: Editora UFSC, 2014. p. 181-205.

BOEIRA, Daniel Alves. *Uma "Solução" para a Menoridade na Primeira República: o caso do Patronato Agrícola de Anitápolis/SC (1918 – 1930)*. Dissertação (Mestrado em História) - Universidade do Estado de Santa Catarina, Florianópolis, 2012. Available at: <http://www.tede.udesc.br/handle/tede/2539>. Access on: 15 jul. 2022.

BRASIL. *Decreto n. 17.943-A, de 12 de outubro de 1927*. Consolida as leis de assistência e proteção a menores. Available at: <https://www2.camara.leg.br/legin/fed/decret/1920-1929/decreto-17943-a-12-outubro-1927-501820-publicacaooriginal-1-pe.html#:~:text=Consolida%20as%20leis%20de%20assistencia%20e%20protec%C3%A7%C3%A3o%20a%20menores>. Access on: 15 jul. 2022.

BRASIL. *Lei n. 4.024, de 20 de dezembro de 1961*. Revogada pela Lei nº 9.394, de 1996, exceto os artigos 6º a 9º. Fixa as Diretrizes e Bases da Educação Nacional. Available at: [https://www.planalto.gov.br/ccivil\\_03/leis/L4024.htm](https://www.planalto.gov.br/ccivil_03/leis/L4024.htm). Access on: 15 jul. 2022.

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<sup>16</sup> On its final years and the collapse of Centro Educacional Regional São Lucas, see Silva (2014).

BRASIL. *Lei n. 4.513, de 1º de dezembro de 1964*. criou a Fundação Nacional do Bem-Estar do Menor. Revogada pela Lei n. 8.069, de 1990. Available at: [https://www.planalto.gov.br/ccivil\\_03/leis/1950-1969/L4513.htm](https://www.planalto.gov.br/ccivil_03/leis/1950-1969/L4513.htm) Access on: 15 jul. 2022.

BRASIL. *Constituição da República Federativa do Brasil de 1967*. Available at: [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao67.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao67.htm). Access on: 15 jul. 2022.

BRASIL. *Decreto-Lei nº 869, de 12 de Setembro de 1969*. Dispõe sobre a inclusão da Educação Moral e Cívica como disciplina obrigatória, nas escolas de todos os graus e modalidades, dos sistemas de ensino no País, e dá outras providências. Available at: <https://www2.camara.leg.br/legin/fed/declei/1960-1969/decreto-lei-869-12-setembro-1969-375468-publicacaooriginal-1-pe.html>. Access on: 15 jul. 2022.

BRASIL. *Lei n. 5.692, de 11 de agosto de 1971*. Fixa Diretrizes e Bases para o ensino de 1º e 2º graus, e dá outras providências. Revogada pela Lei nº 9.394, de 20.12.1996 Available at: [https://www.planalto.gov.br/ccivil\\_03/leis/15692.htm](https://www.planalto.gov.br/ccivil_03/leis/15692.htm). Access on: 15 jul. 2022.

BRASIL. *Lei n. 6.697, de 10 de outubro de 1979*. Institui o Código de Menores. Revogada pela Lei n. 8.069, de 1990. Available at: [https://www.planalto.gov.br/ccivil\\_03/leis/1970-1979/l6697.htm](https://www.planalto.gov.br/ccivil_03/leis/1970-1979/l6697.htm). Access on: 15 jul. 2022.

BRESSER-PEREIRA, Luiz Carlos. *O Colapso de uma Aliança de Classes*. São Paulo: Brasiliense, 1978.

BRESSER-PEREIRA, Luiz Carlos. *A construção política do Brasil: sociedade, economia e estado desde a Independência*. São Paulo: Editora 34, 2014.

CAMPOS, Nuno de. *O Estado e os Menores de Conduta Anti-social*. Dissertação (Mestrado em Direito) - Universidade Federal de Santa Catarina, Florianópolis, 1978.

DAMINELLI, Camila Serafim. *Uma Fundação para o Brasil Jovem: Funabem, Menoridade Infância e Juventude no Brasil (1964-1979)*. Tese (Doutorado em História) - Universidade do Estado de Santa Catarina, Florianópolis, 2019. Available at: [https://www.udesc.br/arquivos/faed/id\\_cpmenu/2551/Camila\\_Serafim\\_Daminelli\\_final\\_15833439835848\\_2551.pdf](https://www.udesc.br/arquivos/faed/id_cpmenu/2551/Camila_Serafim_Daminelli_final_15833439835848_2551.pdf). Access on: 12 ago. 2022.

DUARTE, Sergio Guerra. *Menores, marginalidade e educação*. Dissertação (Mestrado) - Fundação Getúlio Vargas, Rio de Janeiro. 1978.

FERNANDES, Angela. *A Repercussão do Código de Menores no Centro Educacional São Mateus*. Trabalho de Conclusão de Curso (Serviço Social) - Universidade Federal de Santa Catarina, Florianópolis, 1990.

FOUCAULT, Michel. *A ordem do discurso*. São Paulo: Loyola, 1996.

FOUCAULT, Michel. *Vigiar e Punir: nascimento da prisão*. Petrópolis: Vozes, 2011.

INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA (IBGE). *Censo Demográfico 1950/2010*. Anuário Estatístico do Brasil. Rio de Janeiro: IBGE, 2007.

JACOMELI, Mara Regina Martins. A Lei 5.692 de 1971 e a presença dos preceitos liberais e escolanovistas: os estudos sociais e a formação a cidadania. *Revista HISTEDBR On-line*, v. 10, n. 39, p. 76-90, 2010. Available at: <https://periodicos.sbu.unicamp.br/ojs/index.php/histedbr/article/view/8639718>. Access on: 6 jul. 2022.

JORNAL O ESTADO. 12 de novembro de 1982, ano 68, ed. 20.444, seção Cidades, p. 7. Biblioteca Pública de Santa Catarina (BPSC). Available at: <http://hemeroteca.ciasc.sc.gov.br/>. Access on: 6 jul. 2022.

LOHN, Reinaldo Lindolfo. Espaço urbano brasileiro: entre a ditadura e a democracia - o caso de Florianópolis, SC (1964-1990). *Estudos Históricos*, v. 24, n. 47, p. 162-181, 2011. Available at: <https://www.scielo.br/j/eh/a/pz9ssLz7bVRC4bqTSBQLvjv/?lang=pt>. Access on: 15 jul. 2022.

MACHADO, Alzemi. *Memórias do Abrigo de Menores*. Blumenau/Florianópolis: Nova Letra, 2009.

MIRANDA, Humberto da Silva. *Nos tempos das Febems: memórias de infâncias perdidas* (Pernambuco/ 1964-1985). Tese (Doutorado em História) - Universidade Federal de Pernambuco, Recife, 2014. Available at: <https://repositorio.ufpe.br/handle/123456789/12383>. Access on: 15 jul. 2022.

SANTA CATARINA. *Lei nº 4.744, de 30 de junho de 1972*. Cria o Centro Educacional para Menores e dá outras providências. Available at: [http://leis.alesec.sc.gov.br/html/1972/4744\\_1972\\_Lei.html](http://leis.alesec.sc.gov.br/html/1972/4744_1972_Lei.html). Access on: 27 ago. 2022.

SANTA CATARINA. *Lei Ordinária nº 5.089, de 14 de maio de 1975*. Dispõe sobre a organização da administração estadual, estabelece diretrizes para a modernização administrativa, e dá outras providências. Available at: <https://leisestaduais.com.br/sc/lei-ordinaria-n-5089-1975-santa-catarina-dispoe-sobre-a-organizacao-da-administracao-estadual-estabelece-diretrizes-para-a-modernizacao-administrativa-e-da-outras-providencias>. Access on: 27 ago. 2022.

SANTA CATARINA. *Provimento nº 20, de 1984*. Regula o internamento de menores nas entidades de assistência e proteção ao menor e dispõe a respeito da liberdade assistida. Available at: <https://www2.tjsc.jus.br/web/corregedoria-geral-da-justica/consultas/provcirc/provimento/a1984/20-84001.pdf>. Access on: 27 ago. 2022.

SANTOS, Rita Brancato. *O fogo da modernização: tradição e tecnicismo no Abrigo de Menores do Estado de Santa Catarina em Florianópolis (1940-1980)*. Dissertação (Mestrado em Sociologia Política) - Universidade Federal de Santa Catarina, Florianópolis, 2006. Available at: <https://repositorio.ufsc.br/xmlui/handle/123456789/88603>. Access on: 19 jul. 2022.

SAVIANI, Demerval. O legado educacional do regime militar. *Cadernos Cedes*, v. 28, n. 76, p. 291-312, 2008.

SILVA, Michel Goulart. *Crescer com o Brasil: planejamento, modernização e utopia de desenvolvimento em Santa Catarina (1970-1975)*. Dissertação (Mestrado em História) -

Universidade do Estado de Santa Catarina, Florianópolis, 2012. Available at: <http://tede.udesc.br/tede/tede/2541>. Access on: 27 ago. 2022.

SILVA, Otoniel Rodrigues. *A banalização das práticas pedagógicas: notas sobre uma pedagogia de exceção em um centro de internação de adolescentes*. Dissertação (Mestrado em Educação) - Universidade do Sul de Santa Catarina, Tubarão, 2014. Available at: <https://www.riuni.unisul.br/handle/12345/3182>. Access on: 27 ago. 2022.

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