

We intend to study the evolution of juvenile law in Brazil during the military dictatorship that ruled the country between 1964 and 1985. The history of juvenile law in Brazil started in the early 20th Century, when a series of reforms led to the establishment of the first juvenile court (in 1923) and the enactment of the first Code for Minors (in 1927). A product of the reverberations of the US-born *child-saving movement*, which emphasized the absurdity of punishing children the same way as adults and advocated for an approach that focused on their ability to rehabilitate, these reforms sought to deal with the “minors problem” with a tutelary approach that prefer to guard and educate juveniles, rather than punishing them. In so doing, the new system cared for not only those involved in illicit activities, but also for those who have been abandoned or whose families could not provide for them materially or morally. “Delinquent minors” should be committed to *reformatory schools*, whereas abandoned and destitute children should be sent to *preservation schools*.

The rapid industrialization of the 1940’s through the 1960’s and the consequent internal migration from impoverished rural areas to urban centers led to an increase in the presence of street children in the urban landscape of the country. Due to their association with petty crime and mendicancy, they rapidly became a matter of public security and the “minors problem” came up on the spotlight again, this time as a pressing public concern. In 1964, the Brazilian democracy collapsed under a coup d’état that installed a pro-West conservative government led by the military. The new dictatorial government acknowledged the insufficiency of the 1920’s system and instituted the FUNABEM (*National Foundation for the Wellbeing of Minors*), a federal institution that should conduct studies and investigations concerning the “minors problem”, elaborate the “National Policy for the Wellbeing of Minors” and coordinate its implementation nationwide by local state agencies. In 1979, a new Code for Minors was enacted. The evidence suggests that this new code was the result of a decade long discussion that involved the sociological/criminological knowledge produced within the FUNABEM system and contributions of the Brazilian legal community, represented mainly by the *Brazilian Association of Judges of Minors*.

In order to understand the nature of the changes in the policies for underprivileged children and in the juvenile law of the period, we will analyze documents produced by legal experts of the period (i.e., theoretical publications, expert’s opinions, reports, precedents, besides enacted legislation and legal bills), as well as studies and technical documents produced within the FUNABEM system. In doing so, we hope to reconstruct the legal and criminological debate about how to deal with juvenile delinquency and child abandonment in the military-ruled Brazil and how it related to the political and social contexts in the country at that time.

The 1979 Code for Minors seems to have consolidated and formalized most of the practices that were already in the process of being implemented by the FUNABEM system since the mid-1960’s. The main innovation was the adoption of the *Irregular Situation Doctrine*, which unified the categories of “abandoned minor” and “delinquent minor” in the concept of “minor in an irregular situation”, and thus enabled preventive repressive measures to be taken against possible antisocial behavior by juveniles that, while being in situation of abandonment or extreme poverty, had never actually been involved in illicit activities. All of that seems to indicate that the Brazilian juvenile law of the 1964-1985 period contributed to enable the creation of a violent form of social control, which bypassed procedural guarantees and fundamental rights to be applied against underprivileged children. In fact, the violations of human rights of children and adolescents in the institutions of confinement were so notorious that they pierced through government censorship and was the subject of a parliamentary inquiry in the 1970’s.

After the re-democratization period (1985-1989), the 1979 Code for Minors was revoked and substituted with the Statute of Children and Adolescents in 1990. However, institutional inertia perpetuated the practices of the previous period for years to come and to this day they cannot be said to have been completely eliminated, a situation that makes it all the more important to understand their nature and their origins.