

“Majority childhood”: line of flight from the democratic government of childhood*1**

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Abstract

Childhood and youth have been addressed and lived out under the sign of minority. Outside social control, they are actually considered as a “disease” that must be cured. This article briefly outlines the genealogy of the *Statute of the Child and Adolescent* (ECA), highlighting its advances in relation to previous legislation on childhood in Brazil, the Code of Minors. It analyzes the emergence of ECA against the background of the New Republic and the redemocratization process in Brazil, through the conceptual operator of democratic governmentality, showing that it related to the subjectification of children and youth as citizens of rights, under a logic of comprehensive protection. A democratic form of government, yet a government of childhood and youth, nonetheless, keeping them under the guardianship of adults. It draws attention to the limitations of this legislation since, despite the advances and comprehensive protection policy, children and youth continue dying or being incarcerated on large scale. Considering possible escape routes from the government of childhood, a distinct political approach outside the condition of minority, the text explores the philosophy of Charles Fourier, who conceives a completely different relationship between children, youth and adults, refuting any kind of guardianship. In the words of René Schérer, a “majority childhood,” emancipated, a sign of great health.

Keywords

Government of childhood - *Statute of the Child and Adolescent* - Democratic governmentality - Majority childhood.

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To fearlessly explore the surfaces of the world. To dauntlessly face unfathomable dangers. To invade territories and backyards and streets with no concern for private property. To ask the most terrifying questions with no fear of the answer, whether sweet or bitter. To count the number of stars in infinity. To spend hours on end doing nothing useful for anyone. To curiously scratch and poke the whole body for possible fluids. To have not notion of time. To have no feeling of guilt. To have no fear of police, parent, teacher, god, goddess, hell. To heartily curse at any type of obstacle to one's desires. To cut the car's brake lines downhill on a dark night. To inhabit the world with *stubborn courage* (Stirner, 2009). In this sense, childhood³ can be viewed as a territory of ungovernable passions and untamed becomings.

These lives driven by untimely forces that deterritorialize everything they touch are considered a danger – by the bureaucrats of State, by the professors of Law, by the pilgrims of Faith, by the entities of Family. Children, adolescents and youngsters are an emerging risk for the smooth functioning of the state apparatus, for subjection to capitalistic subjectivity and for the devices of governmentality.⁴ They must be educated, nurtured, defended, saved, professionalized, spiritualized, moralized, locked up, arrested, socialized, inserted, healed, treated, monitored, protected, guided, domesticated, digitized, etc. A host of endless attempts to conform their nomadic lives to a world that is adult, civilized, governmental, capitalist, family-oriented, bourgeois, urban, etc. In the words of Augusto (2013, p. 38):

Society invests in adjusting, in providing justness and direction to youngsters who deny the world as they encountered it and take pleasure in constructively revolting against it. It needs to educate these youths so that their ideal is introjected, with more or less vigor, more or less rhetoric, more or less complementary and contradictory arguments, such as truth and fairness. *The intent is therefore to contain, if not appease, the affirmative power that inhabits this denial of those who revolt against the world, a dangerous flow that may trigger a revival of the pleasure for life.* (emphasis added).

Schérer (2006a) states that childhood is experienced in our contemporary world as a kind of “disease.”⁵ Eluding society's control, children and youth disturb and cause fear by defying established rules and standards. However, as childhood is an invention of adult society (Schérer; Hocquenghem, 1976; Schérer, 2006b; Schérer, 2009), children and youth are there to be educated and controlled so they may constitute the future of society. It is essential, therefore, to have control over children and youth to prevent them from

3- In this article we make no conceptual distinction between childhood and youth. According to our political approach, both live under the sign of minority, in the custody of the adult community. Therefore, we indistinctively use the terms childhood and youth to designate this socio-political group that lives under guardianship, including all children and adolescents under the age of eighteen.

4- We used the adjective “capitalistic” as per Félix Guattari, who, as early as the 1970s/1980s, analyzed a global, integrated World Capitalism, of which the machinery of Brazilian governmentality is part. See Guattari, 2012.

5- Schérer's text was written shortly after the violent protests of teenagers in French suburbs and outskirts in 2005, prompted by a revolt against police harassment of teenagers that ended with the death of two youngsters. For 19 nights cars were burned and clashes occurred between groups of teenagers and the police, causing the French government to declare a state of emergency. The lack of understanding of French society of the revolt and behavior of young people led Schérer to refer to this perception of childhood and youth as a “disease” that escapes the control of the social body.

getting lost and deviating from the path marked out for them by society and adults. It is fundamentally important that children be governed and kept in a status of minority under the guardianship of adults.

In this article we will reflect on the idea of a "government of childhood," seeking to understand how the enactment of the Brazilian Statute of the Child and Adolescent (ECA in the acronym in Portuguese) in 1990 is inserted in the context of a logic of governmentality (Foucault, 2008) that consisted of instituting children and adolescents as subjects of rights, able to be democratically governed, to then consider possible lines of flight from such governing: a "majority childhood," as advocated by Charles Fourier. Although for Foucault (2008, 2013) all government, as conduct of conduct, implies the emergence of counter-conduct, the assertion of those who do not wish to be governed in this way and demand another form of government, we want to go a step further here and, in the company of Deleuze and Guattari (2014), think about lines of flight from government. What potential is there in childhood for the ungovernable?

Brazilian childhood "diseased"? Brief genealogy of the Statute of the Child and Adolescent

Schérer diagnosed childhood as a "disease" in France in the early 2000s, when violent demonstrations by youngsters in urban outskirts made it clear that something was not quite right in society's relationship with its children and youth, who were out of control. Is there a similar perception in Brazil? Perhaps such a diagnosis was made much earlier, if we consider legislation related to "minors," the regulation of their participation in society and the relationship of society to them.

Over the most diverse Brazilian political periods (empire, liberal republic, Vargas dictatorship, military regime and New Republic), children and youth were frequent inmates of austere institutions, such as prisons (with different names), and welfare institutions like hospitals, schools, industrial internships, reformatories, culture centers, day care centers, shelters, etc. State rationality conspiring with civil society, family and religion, insisting with more or less effectiveness on regulating the flows of life of childhood. We will examine here some of the historical and social features of the construction of childhood-related legislation and policies in Brazil, with no intent to exhaust the subject. A guiding thread of this analysis will be the notion of children or youth in an *irregular situation*, which denotes the deviant, the "disease" that needs to be cured for the common good.

In the last period of the empire, city streets and rural regions were allegedly taken over by "black fear," as the official institutions called the circulation of young blacks, either recently freed or fugitives from the slave regime. A social setting emerges in the streets centered on figures with accumulated experience of insubordination on farms, who fought *capoeira*, who lived in settlements of runaway slaves in rural areas and who were impatient after years of submission. At the beginning of the first republican period we find a horde of poor black children and youngsters that have not been disciplined by philanthropic-religious institutions (financed by industrialists) and precarious jobs in São Paulo's fledgling textile industries; these youngsters, who spend their days committing

petty theft to survive, will encounter European immigrants, mostly anarchists, who were abandoning rural work and heading for the cities. Faced with these threats to the ideals of order and progress, several health and policing strategies are created to uphold a social cleansing policy in cities. Any possibilities of insurgency must be wiped off the streets. For President Washington Luiz, social issues were a matter of law enforcement. In this context was created the first Code of Minors, drafted in 1927 by the magistrate José Cândido Albuquerque de Mello Matos, in which

[...] no distinction is made between juvenile offenders and destitute minors, both categorized as “minors in irregular situation,” subject to state guardianship. A youth living in the streets or in so-called irregular conditions is singled out as someone who will inevitably break the law. Thus, the principle of prevention of possible offense is made explicit, justifying the rounding up of these street children and youth. (AUGUSTO, 2013, p. 58-59).

In the name of the general protection of society, any suspect or possible suspect of antisocial activities will be held in custody by the state in austere institutions, which will take care of their education, but, above all, will keep them away from the streets and from possible misdemeanors. It is preventive action. If such youngsters are viewed as a kind of “disease” that affects society, then a possible cure is their removal from social life so as not to disturb public order and the common good. Another important feature of this first code produced to regulate state action regarding children and youth is the fact that these subjects will be called “minors.” We can thus trace to the 1927 Code the emergence of the concept of minor, replicated to this day in the discourse of judges in juvenile courts, by police officers in night raids, by TV show hosts and by researchers in social science.

Under the Getúlio Vargas dictatorship and in the 1950s the concept of minor came to be associated with social, biological and psychological gaps triggered by population growth in urban centers, due to the migration of many workers and their families from the North and Northeast regions to the Rio de Janeiro/São Paulo axis. Technicians, scientists and academics are called on by the state to find out who these young people in irregular situation are.

These studies, carried out by psychologists, social workers, sociologists, psychiatrists, historians, economists and lawyers, concluded that the ensuing culture clash affected the personality of individuals, leading to the creation of marginalized persons who are not fully integrated in their present life conditions. (PASSETTI, 1985, p. 35).

Studies of populations in *irregular situation* started shifting from a logic of detention and social cleansing to a logic of detention and treatment of misfits; that is, if previously the urge was to arrest and throw away the key to remove these misfits from the streets, the aim now is to arrest in order to learn more about the prisoner, the *offender*, and submit him or her to a treatment, a cure. The *offender* and the child in *irregular situation* must be understood to be treated. The government of childhoods, as a biopolitical device operating on the population of large urban centers, is charged with containing, treating

and reintegrating these *minors* to ensure the containment of revolts, social adaptation to the dictates of capitalist urbanity and the preparation of these youngsters for future factory work. The approach to dealing with the childhood "disease" changes, but it continues being viewed as a problem to be faced and resolved.

From the bowels of the civil-military dictatorship, organized by the officers of *Escola Superior de Guerra* [Higher School of War] and as part of the National Security Plan, emerged the 1979 Code of Minors, the National Policy for the Welfare of Minors (PNBM), the National Foundation for the Welfare of Minors (FUNABEM) and the State Foundations for Welfare of Minors (FEBEM), which created a highly *integrated system*.

In this context, children and adolescents in irregular situation are viewed as follows:

Under the law they are minors who must be educated to become respectful adults. Socially they are minors from disorganized families, unable to provide them with basic education. Psychologically they are considered immature and affected by conduct disorders. (PASSETTI, 1985, p. 54).

The National Policy for the Welfare of Minors declares war on part of the population in defense of society. It is not a war aiming at the extermination or death of part of this population, but at managing life, managing the forces on the battlefield: "Wars are no longer waged in the name of a sovereign who needs to be defended, they are waged on behalf of the existence of everyone, of the need to live" (FOUCAULT, 1988, p.148). Therefore, the National Policy for the Welfare of Minors comes to combat the so-called marginalization process to which working-class children and youth were subjected, aiming, first, to integrate national programs of economic and social development; second, to estimate the affective, nutritional, health and educational needs of this population; and third, to rationalize the methods for preparing, operating and implementing this policy.

During the 1980s and in the midst of the struggle to end the civil-military dictatorship, important changes were proposed regarding the government of the lives of children and adolescents in Brazil. A national movement comprising educators, scientists, psychologists, social workers, activists, politicians, state bureaucrats and physicians, among other sectors, converges in the enactment of the Statute of the Child and Adolescent (ECA) in 1990. ECA was therefore one of the first legal milestones of the "new democratic order" established with the redemocratization process in Brazil as of 1985, having been published shortly after the Federal Constitution of 1988.

What the 1979 Code considered a matter of national security is shifted to a logic of developing citizenship in children and adolescents, founded on the comprehensive protection⁶ of their lives and the guarantee of their rights. The new terminology no longer refers to this population as *minor/minors*, which placed *children and adolescents* (new terminology) below the level of adults and was loaded with *biopsychosocial* stigmas; in the democratic regime, they must have an equal standing in terms of guaranteed rights and respect for life for the development of citizenship and the enjoyment of equal possibilities.

6- According to Article 1: "This Law provides the comprehensive protection of the child and adolescent." (LEI Nº 8.069, DE 13 DE JULHO DE 1990).

It is noteworthy that children and adolescents, removed from the condition of “minors” – and, therefore, without rights – are now treated like anyone else, having the same legal rights. The condition of equality, however, does not interfere with the principle of “comprehensive protection,” which is the basis of the law. This is set forth as follows:

Article 3. Children and adolescents enjoy all the fundamental rights inherent to the human person, without prejudice to the full protection provided in this Law, assuring them, by law or by other means, all opportunities and facilities conducive to their physical, mental, moral, spiritual and social development, under conditions of freedom and dignity. (LAW 8069, DATED JULY 13, 1990).

What we see here is a completely new situation. Children and adolescents acquire a legal status of equal rights and conditions, but continue under the *guardianship* of society, which must ensure their “comprehensive protection.” Such protection must be provided by the family, by the community, by society in general and by the government, as provided in Article 4. In other words, children and adolescents are subjects of rights, but they must be protected at all costs by society and the state; their right first is the right to protection. But what should they be protected from? From everything that may lead them astray from being citizens *de jure* and *de facto*, on an equal basis with others. Thus, one notes a counter-conduct movement in ECA (Foucault, 2008). Children and adolescents will no longer be governed as inferior, as in previous authoritarian legislation, but as subjects of rights, which is appropriate in a democratic society. A counter-conduct that institutes a new government of conducts, now based on the right to protection. However, to enable a new government of conduct, the condition of guardianship is preserved.

What intervenes here is the other important shift made by this law, related to what was previously understood as *irregular situation*; in ECA, this principle, which prevailed in previous legislation, is translated as a *situation of risk or vulnerability*. A radical change is perceived: the principle of “irregular situation” blamed this condition on the individual, as if society were in no way accountable; the principle of “situation of risk or vulnerability,” in turn, recognizes that this is a social condition and that the individual must be protected – rather than punished – by society. However, such a shift reinforces the diagnostic logic of the need for state intervention in social contexts in which children or adolescents are deprived of any of their rights, in the name of supposed comprehensive protection. Everyone is called on to defend children and adolescents and report any type of violence or violation of rights. Everyone is summoned and may speak on behalf of youngsters, who are encouraged to take ownership of their own life stories as long as these narratives are mediated by some kind of custody, whether of a teacher, social worker, psychologist, police officer, public defender, child protection officer.

Today, in the name of the effective defense of children and youth transformed into subjects of rights, more and more abject hands and speaking mouths encroach on their bodies. It is no longer the sole duty of parents and the state to protect them from others and from themselves; it is now claimed that they must be also protected from those who should defend them. Hence everyone is allowed to speak on their behalf and make each child and youth a preventive prisoner of so-

called accountability and the struggle against impunity. This is called comprehensive protection. (OLIVEIRA, 2008).

However, the comprehensive protection policy has its contradictions. What does it mean to protect the children of the privileged classes? And regarding the exploited classes of the capitalistic system, how is the doctrine of protection applied? A visit to the deprived outskirts of the city of São Paulo and adjacent municipalities or the hillside favelas of Rio de Janeiro promptly reveals a few striking points in common: a) these populations are the target and motivation of countless projects aimed at populations in social vulnerability, programs which ultimately aim at settling these populations in the areas where they live; b) they are the main focus of public policies for sanitation, family and individual health, schooling and public security, all of them aimed at maintaining these populations confined to such outskirts and favelas. The control mechanisms become evident, revealing the practical application of the government of children and adolescents, duly recognized, with rights guaranteed and secured by the Statute of the Child and Adolescent. However, when the protective measures fail and children or youth violate legal principles, institutions are at hand to disciplinarily correct undesirable conduct. By different means and systems, the guardianship of childhood remains.

While ECA has, in many ways, definitely introduced legal and political advances in the defense of the lives of children and youth in Brazil, it has also constituted a sophisticated field in which security and biopolitical devices can more effectively control the life of all and each one. Those with regular ways of life, with family, schooling, housing, consumption and obedience, will have their circulation guaranteed (albeit supervised); those who deviate in any way will have their circulation flows mediated by educational projects, children's homes, and sanitary and public health programs. The youthful urge for deviation and seeking new directions will come under greater restraint and control, integrating internment in juvenile detention centers (so-called socio-educational internment), as well as provision of community services, with socio-educational measures in the open. And, at the limit of absolute insubordination against the monitoring of their lives by the state and capitalism, trying to take ownership of their voices, regardless of any kind of state custody, they will be killed by the law enforcement apparatus and treated as human waste by official statistics, buried in a common grave. In short, despite significant changes, the notion of childhood as a "problem" and social "disease" remains, albeit addressed as a public health issue.

We could perhaps distinguish between ECA as public policy, as legislative intention, and its practical application, subject to the contradictions of capitalism. But that is not our line of reasoning; a public policy, over and above the "letter of the law," is its materiality, the way it is realized in the social context. That is why we refrain from criticizing the application of ECA, safeguarding it as public policy. Our intention is to show, in a critical way, that despite bringing about significant advances, the law presents problems that materialize in a society with such wide economic gaps. The logic of protection is felt in different ways by rich and poor. However, in both cases it is a governing tactic that preserves guardianship over children and youth. Protection is synonymous with custody.

The construction of children and adolescents as subjects of rights: biopolitical production as democratic governmentality in Brazil in the post-dictatorship age

Although the underlying notion that childhood is – or may constitute – a social problem did not change, the advances provided by the Statute of the Child and Adolescent in considering them “subjects of rights” were significant. How can we understand the political and social processes that led to this modified stance in Brazil in the late 20th century? To this end we will draw on an analytical operator derived from Foucault’s thought: “democratic governmentality.”

Following an in-depth study of power relations in which he denied that power is a strictly repressive phenomenon (FOUCAULT, 1999), the French philosopher opted for replacing the analysis of power by the analysis of government, which he defined as conducting the conduct of people (FOUCAULT, 2008). One notes that the field is significantly expanded, since it is assumed that power does not operate mainly by repression, interdicting desires and actions, but rather by stimulating and controlling the actions, the conduct of individuals.⁷ Foucault (2008, p. 117 and ss.) notes how, over the course of the 16th century, an array of government practices broke out: government of self (moral action); government of offspring and children (educational action); government of souls and conduct (religious action); government of states (political action); among others. Positivity of power in government practice, encouraging rather than prohibiting actions, while controlling them.

According to Foucault’s analysis, the numerous government practices, stemming from daily activities, gradually take over the state, culminating in a process of “governmentalization.” He examined this process in the lecture series given at Collège de France between January and April 1978 (*Security, Territory, Population*), showing that the European states that operated in the logic of sovereign power gradually became administrative states, operating in the logic of disciplinary power and, ultimately, governmentalized states, which operate according to the logic of biopower, a power that is exercised over life, governing population groups.⁸ It was the emergence of biopolitical technology in the 18th century that enabled states to be governmentalized.

One last observation before we go a step further. The notion of government in Foucault opens up a new dimension of subjectification processes by exploring how the subject that is governed also governs and transforms himself. At a conference in the United States (Dartmouth College, November 17, 1980) he stated that:

The contact point between the way individuals are driven by others and the way they conduct themselves is what, I believe, we can call “government.” Governing people, in the broad sense

7- In Foucault’s words (2008, p. 255): “Conduct is, indeed, the activity of conducting, of conduction, if you may, but it is also the way one conducts oneself, the way one lets oneself be conducted, the way one is conducted and, ultimately, the way one behaves under the effect of a form of conduct as the action of conducting or conduction.”

8- This analysis is developed mainly in the lecture of February 1, 1978, with the idea of transition from a state of justice to an administrative state and, ultimately, to a state of government emerging at the end of the class. See (FOUCAULT, 2008, p. 117-146).

of the word, is not a way of forcing them to do what the governor wants; there is always an unstable balance, with complementarity and conflicts, between the techniques that ensure coercion and the processes by which the self [the subject] is constructed and modified by himself. (FOUCAULT, 2013, p. 38-39).

Therefore, taking governmentality as an analytical operator means taking into account both the way we are governed and the way we govern and transform ourselves. Our conduct is conducted by others, but we also conduct ourselves, transforming ourselves in the process, producing new ways of conducting ourselves and conducting others. Put in another way, subjects are produced in the folds of power relations, being subjected to them; but it is such subjection that makes it possible to work on oneself, a process of subjectification that produces transformations.

Having made these considerations, we can now argue about the production, in Brazil, of "democratic governmentality." On March 15, 1985, the inauguration of a civilian president ended the 21-year-long military dictatorship. The popular yearning for democracy, manifested, for example, in the movement for direct presidential elections, which took millions of Brazilians to the streets, drove the country's urgent process of redemocratization, with citizenship rights as one of its main pillars. The so-called "New Republic," guided by the Federal Constitution of 1988, was marked by efforts to provide the transformation of the Brazilian people into citizens, subjects of full political rights and active participants in the country's political and social life. In short, the Brazilian state started to exercise a kind of governmentality especially centered on democratic practice, i.e., focused on constituting individuals as citizens, as a subjects of rights, so they could democratically be governed and govern themselves.

Brazil's particular form of democratic governmentality greatly spurred the production of public policies, especially in social areas such as education and public health.⁹ A touchstone in this biopolitical production was the logic of inclusion. If the state aims to govern all citizens in a participatory manner, it is essential that no one remains outside the sphere of government. Being excluded means not being governed.¹⁰

It is in this context that we can understand the Statute of the Child and Adolescent as public policy forged and implemented within a state logic operating democratic governmentality. The commentary by Coletivo Centelha reveals as much (2019, p. 65-66):

Introduced in the context of the enactment of the Constitution of 1988, ECA resulted from wide national mobilization promoted by groups such as the National Movement of Street Boys and Girls. The final version is based on the "comprehensive protection doctrine," which aims to guarantee the fundamental rights of all children and adolescents in their "particular condition

9- The notion of democratic governmentality has been conceptually explored by Gallo (2012, 2015, 2017a, 2017b), who has also aimed to analyze public policies in the field of education through this operator.

10- The machinery of democratic governmentality started being dismantled after the impeachment of President Dilma Rousseff, in the administration of President Michel Temer (2017-2018), with the logic of collective participation losing momentum in the formulation and implementation of public policy. In the current government such practices have been definitely put aside, replaced by a discourse of ideological polarization.

of persons in development” (a term repeated in Articles 6, 69, 71, 121), conceiving them as participatory agents of society.

Children and adolescents had to be viewed as subjects of political rights in order to be included in the new logic of democratic government. Excluded from that condition, they would be outside government control. Guaranteeing their rights, guaranteeing their protection was the necessary condition to include them in the sphere of governmentality. To this end, it was also essential to subjectify them as citizens.

The brief genealogy of ECA previously outlined highlights the changes in the condition of children and adolescents in Brazil. If before legislation sought to protect society from potential “offending minors” in irregular situation, with ECA legislation is intended to be preventive rather than punitive, protecting children and adolescents in situations of social risk (vulnerability) to avoid their becoming outcasts and harmful to society. One notes the transition from a condition of exclusion, in which minors were viewed as a social problem and therefore should be excluded from social interaction, to a condition of prevention, achieved through social inclusion by recognizing the rights of these subjects and considering them as an integral part of a democratic social fabric.

However, the advances provided by this legislation produced under the logic of democratic governmentality also reveal weaknesses. Once again we resort to the opportune analysis of Coletivo Centelha (2019, p. 66):

Nevertheless, however good its formulations may be, in practice ECA proved to be fragile – as, by the way, are all the achievements of the New Republic. It not only failed to prevent the mass murder and imprisonment of youth, but also coexisted with the survival of youth control conceptions set forth in the dictatorship’s Code of Minors.¹¹

The key issue we wish to stress here relates to the guardianship of children and youth by society. The “disease” raised by Schérer and highlighted at the beginning of this article continues to haunt us, since society fears at any moment losing control and seeing part of the population, deemed “minor” by legal and social standards, escape government. Deep down, society senses that childhood is ungovernable, so it never tires of creating new mechanisms of government to try to keep it in its custody, under its direction, aiming to ensure the continuity of this social arrangement. Panic in the face of episodes of uncontrolled childhood and youth, diagnosed as symptoms of this “disease,” stems from the glimpse of the (real) possibility of losing this guardianship, this control of adult society over childhood.

As we have seen, ECA effected a change in Brazil in society’s legal way of dealing with children and youth, removing the designation of “minor”, considered derogatory. The problem is that the term was removed, but not the condition. Children and youth remained under the custody of the family, of legal guardians, of the state; they remained

11- We will not develop this line of analysis, but want to point out that the incarceration and death of certain sections of the population are part of the biopolitical strategy, called by Foucault (1999) “state racism”: a way to eliminate “undesirable” parts of the population in defense of the whole. Or, in a different analytical direction, but derived from it, what Mbembe (2018a, 2018b) proposes to call “necropolitics.”

in a condition of minority. Schérer (2014) stated that in recent centuries we have seen the emancipation of various social groups; childhood, however, remains under guardianship, awaiting the possibility of its emancipation.

The political issue of childhood is its being under the guardianship of the adult world. Schérer is one of the thinkers who claim that childhood is an invention of adults, aiming to protect children in their development stages by shaping them, through education, for their integration into the adult world, ensuring the maintenance of a certain structure of society. When we look at childhood, what we see is a template image of children imposed by the adult world. Authors like Alain, for example, stated that only under certain conditions can we see children being children, without adult influence, unconcerned with showing adults what they want to see. In his view that happens at school, when children are among their peers, in what he calls "children people."¹²

But schools are institutions of disciplinary confinement (FOUCAULT, 1987) and there also children are shaped by adults, molded according to a pre-defined image that keeps them in their condition of inferiority, of minority. Although Alain tried to emphasize children's supposed "autonomy" among peers, when they are themselves, he nevertheless perceives their condition of "minority":

I call child a human being in full growth, before formation and the passions (altruism) linked to it, before concern with earning a living, or, which amounts to the same, before being directly instructed by experience, and therefore nurtured, governed and protected by the family. Such characteristics are sufficient, and that is why we cannot forget them when referring to children. (ALAIN, 2007, p. 227).

The child of Alain's reflections remains under adult guardianship and he stresses that we cannot forget that. Children can be "themselves" at school, acting "naturally" in this institution devoted to them, but without losing sight of the fact that they are "governed and protected" by the family. However much they are "themselves" among their peers, children do not deviate from their purpose: becoming adults, and to that end they must be protected, governed.¹³ Democratically governed in the case of Brazil with ECA, but governed nonetheless.

As stated by Coletivo Centelha (2019, p. 72), "the youth have learned not to expect anything [...] They are the first manifestation of the ungovernable and have set the streets on fire on more than one occasion." Beyond this logic of government of children and adolescents, aiming at their peaceful integration into a social configuration to which they must be subjected, could there be a possible escape route? Can one think of childhood outside the sphere of government? Ungovernable childhood?

12 - Alain's reflections on children, school and childhood education were developed in the 1910s and 1920s. A century later, Hubert Vincent (2012) sought to revive those ideas, discussing them in the context of contemporary French education in the book *Le peuple enfant et l'école: pourquoi pas Alain?*

13 - A comparative study of the notions of childhood in Alain and Schérer can be found in Gallo, 2018. While in the former we have a notion of children confined to school (indoor childhood), the latter develops a notion of children in the streets, living in "gangs" with no adult influence (outdoor childhood).

A line of flight: Charles Fourier's majority childhood

Schérer found line of flight for childhood in the utopian thought of Charles Fourier (1772-1837). This philosopher developed a critical social theory of the modern world, which he called "Civilization," aiming at the construction of a "new loving and societal world," which he called "Harmony." In one of his fundamental works, *The Theory of the Four Movements*, published in 1808, he divides human history into four major periods: savagery; barbarism; patriarchate; and civilization, each with its own characteristics. The civilization period, identified as starting in the 16th century and culminated in the bourgeois capitalist world of the early 19th century, was the main target of his criticisms, because in his view this period takes human vices to extremes and produces misery, despite the abundance of production achieved with the industrial system.¹⁴

What drives society, according to Fourier, is passions, which are natural to human beings and should be able to develop freely and autonomously. Passionate attraction, as he calls it, is the basis of all social relationship and human production, from material to intellectual.¹⁵ "Harmony" is the social stage that humanity could reach with the free exercise of passionate attractions, in which the strengths and capacities of each individual converge towards collective and social well-being. This harmonious world would witness the emancipation of all social groups composing it, with no domination of one over another. In a special way, Fourier was already considering the emancipation of women, who would take part in social movements and actions on an equal footing with men, but also the emancipation of children, who would live in this society free from any adult guardianship.

Schérer coined the term "majority childhood" to describe the condition of these children living in their own autonomous way, freely relating to adults, without any kind of guardianship or "protection," emphasizing their break from the condition of minority imposed on them in our society.

It is not enough for children to be integrated among adults; they must be the very pivot around which their own organization gravitates; they must occupy a place and play a "central" role in the communal order. That is what I call the "majority" and irreplaceable role of childhood, even though the word "majority" is not really the most appropriate in the current meaning of "being an adult," as if there were any glory for a child to quickly become a small adult (which Fourier naturally refutes, extolling, on the contrary, a delayed puberty in Harmony). (SCHÉRER, 2006a, p. 32).

Majority childhood for having no guardianship, with an active role of its own in the social environment of which it is an integral part. In Fourier's conception, childhood is not

14- All criticism by Fourier and Schérer of the molding and protection of childhood is thus directed towards capitalist society. In the former's thought, the only possible way out is a new social configuration, harmony. Thinking of today's capitalistic world, it seems to us that reviving this criticism is a way to search for possible escape routes, challenging capitalism's logics of exploitation and asserting the emancipation and possible autonomy of childhood as a means to confront them.

15- In a contemporary interpretation, we draw a parallel with Deleuze and Guattari's desiring-machines (2014).

a "preparatory" phase of the human being to become an adult, just as old age cannot be seen as a preparation for death. Human beings live and move through multiple passionate attractions, experiencing different periods according to their individual characteristics, with no hierarchies among these periods, but always in an integrated way with the social group.

Schérer (2006a, p. 40-41) highlights three main aspects in this conception of Fourier's. First, the criticism of the guardianship of children in "civilization," the subordination of the child to the adult, generating the condition of minority. For the utopian philosopher, children are free, self-sufficient and capable of producing their own life, a condition of "majority," therefore. Second, the assertion that the child's only principle of action (as that of any adult, woman or man) is the pursuit of pleasure, through obedience to passionate attractions. In this respect the child is in no way different from the adult, although the pleasures of both may differ radically. Lastly, what must be transformed is not the child, but the actual social order. Such a transformation occurs through a complex play of exposure of child collectives¹⁶ to attractive impulses.

In this context, Fourier developed the notion of a "harmonic education" of children, a process in which they would not be subject to adults, to formative goals alien to their own desires. They would obey a single hierarchical order: among children of different ages, younger kids would learn from the older ones, the latter serving as principles of attraction of the desires of the former. He criticizes harshly the educational practices of his time, advocated by philosophers, according to which parents were the "natural educators" of children, with the wealthiest hiring tutors for this task; it is an authentic criticism of home education, which limits the child's world to that of the family. But he also criticizes school educational processes, in which children are left at the mercy of early childhood educators. In both cases, children are exposed to the vices of adults, who impose on them an educational process alien to their desires. For him, three goals should be pursued in the education of children: the development of vigor (health), of dexterity (physical and mental) and of instruction (intellectual). In order to achieve these goals, children should be left in absolute freedom in their relationship with other children, experiencing their desires and following the laws of passionate attraction.

Everything lies under the influence of the Series of Groups. Such support should never be lacking for any child, whether rich or poor. Whether they are orphans, with no parents and friends, makes no difference to their education, they will reach the age of 15 full of health, dexterity and practical knowledge about the different branches of agriculture, science and arts. They will also have a small fortune, acquired through their savings, since children, in the arranged order, cannot consume everything they produce. (FOURIER, 2006, p. 48).

16 - It is important to note that for Fourier action is always collective. He organizes his utopian society, the basic unit of which was the phalanstery (Fourier, 2008), into groups and series of individuals. For the educational process, he organizes the "children's tribes" in nine grades or scales: breastfed (*nourrissons*, 0 to 9 months) babies (*poupons*, 9 to 21 months); elves (*lutins*, 2 to 36 months); bambini (*bambins*, 36 months to 4.5 years); cherubs (*chérubins*, 4.5 to 6.5 years); seraphim (*séraphins*, 6.5 to 9 years old); lyceans (*lycéens*, 9 to 12 years old); gymnasians (*gymnasiens*, 12 to 15 years old); youth (*jouvenceaux*, 15 to 19 years old). To these tribes correspond five educational periods: prelude or material education (0 to 2 years); first phase or previous education (2 to 4.5 years); second phase or anterior education (4.5 to 9 years); third stage or ulterior education (9 to 15 years); fourth phase or later education (15 to 20 years). See Fourier (2006, p. 69-71).

All learning takes place within the phalanx of which each child takes part,¹⁷ composed of people of the most different ages and with whom they integrate in the most absolute political equality, respecting the diversity of individual differences. These differences make up and enable the collective harmony. Each child, as long as they can walk, is left in the phalanx with no imposition of vices or virtues, so they may act according to their wishes. Two principles govern movement: work and passionate attraction. It is an essentially practical education, in which children learn by doing, working, modulating their efforts according to their abilities and being freely attracted to areas of their interest, moved exclusively by their desire.

The development of children's tastes happens through stimulation, exposing them to the multiple possibilities offered by nature and society. Fourier (2006, p. 58) calls this "sowing of passions": the possibilities are launched and whether they germinate depends exclusively on the attractions of each child, as nothing is imposed. They choose their individual paths and gradually build and transform their learning according to their interests and desires, material and intellectual. Fantasy will be constantly stimulated among children so they may take part in as many series as possible, expanding their horizons of learning and possibilities.

Fourier (2006, p. 204) states that "civilized education" and "harmonic education" are opposed in a three ways: while in Civilization theory comes before practice, in Harmony one always starts from practice to arrive at the theory; in the former, education happens through duties, constraints, restrictions, while in the latter it happens by stimulating children's passions; finally, in civilized education children are subjected to a small number of forced and imposed functions, while in harmonic education infinite variations of initiations are proposed to children, with each choosing their own paths. The contrast is due precisely to the difference in conception and social mechanisms. In short, in harmonic education there only is one rule: "full development of passionate attraction" (FOURIER, p. 218).

In Fourier, childhood is never seen as a "disease"; on the contrary, it is the healthiest element of his social system. There is no condition of minority, but of equality with adults; there is no government of children, as passionate attractions must be freely experienced to harmonize with the social group. Self-government is exercised individually, but also by society as a whole, in harmony.

Final remarks

In modern Western society, childhood has been lived out under the sign of minority. Society cannot afford to lose control over children and youth lest the structures in place for centuries collapse. A government of childhood is absolutely necessary. Childhood that escapes control is characterized as a "disease" in need of a social cure. We aimed to show how, in Brazil, following legislation centered on the "minor," the Statute of the Child and Adolescent brought about an interesting advance by considering children and youth as

17- Phalanxes are the divisions of a phalanstery. Each is composed of groups of individuals of both genders and of the most diverse ages.

subjects of rights to be protected, especially in conditions of social vulnerability, so as to become *de facto* citizens.

However, the innovations introduced by ECA did not mean an emancipation of Brazilian childhood, which continued under the guardianship of adults, even though such government was now exercised more democratically, with children and youth subjectified as citizens, holders of rights and active members of the social group. What we aimed to show was that, despite its advances compared to previous legislation and its insertion in a political and social project developed in a context of democratic governmentality, the Statute of the Child and Adolescent established children as "subject of rights" but was unable to assert their autonomy. The principle of "comprehensive protection," albeit applied in different ways according to different social classes, is also a form of government. The analytical hypothesis developed here can be summarized as follows: ECA preserved the guardianship of Brazilian childhood, democratically governed as subjects of rights.

Lines of flight for childhood are nevertheless possible. We started by drawing attention to the *obstinate courage* of children and youth, who dare to ungovernably experience their desires, and we found in Fourier and in the revival of his thought by Schérer the possibility of a majority childhood, emancipated and free from the stigma of minority. Both philosophers, one from the early 19th century and the other from the turn the 21st century, call our attention to something that our capitalistic society dares not consider: the possibility of an emancipation of childhood that, over and above comprising subjects of rights, a "citizen childhood," can be raised to the political condition of equality with adults, with no relation of guardianship.

Our visit to Fourier and Schérer aimed to show that it is possible to consider the political autonomy of childhood, which, to come about, would undoubtedly imply a profound transformation of the social context. The capitalistic world would not be the same if a majority childhood were asserted and lived out. ECA brought about changes to the Brazilian reality, evidencing a new way of governing children and adolescents. It fulfilled its role in the construction of a democratic society advocated by the New Republic, despite showing flaws and differentiating the intended protection according to the social condition of subjects. But an analysis of these three decades also shows that the government of childhood persisted, with relentless guardianship. Sporadic events of an ungovernable childhood continued to be treated as a "social disease," as a problem to be faced for the good of all.

What we explored here was *one* possible line of flight: openness to a different political conception of childhood, in which the desiring-machines, the passionate attractions are the drivers to experiencing the world, the relationships with self and others, adults or children. To experience childhood in its obstinate courage as "great health" (Nietzsche, 2000, p. 11): "the excess that gives the free spirit the dangerous privilege of being permitted to live experimentally and offer itself to adventure."

References

ALAIN. *Propos sur l'éducation suivi de pédagogie infantine*. 6. ed. Paris: Presses Universitaires de France, 2007.

AUGUSTO, Acácio. **Política e polícia**: cuidados, controles e penalizações de jovens. Rio de Janeiro: Lamparina, 2013.

BRASIL. **Estatuto da Criança e do Adolescente**, Lei nº 8.069, de 13 de julho de 1990. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/l8069.htm. Acesso em: 06 abr. 2020).

COLETIVO CENTELHA. **Ruptura**. São Paulo: n-1, 2019.

DELEUZE, Gilles; GUATTARI, Félix. **Kafka**: por uma literatura menor. Belo Horizonte: Autêntica, 2014.

FOUCAULT, Michel. **Em defesa da sociedade**. São Paulo: Martins Fontes, 1999.

FOUCAULT, Michel. **História da sexualidade**: a vontade de saber. v. I. Rio de Janeiro: Graal, 1988.

FOUCAULT, Michel. **L'origine de l'herméneutique de soi**. Paris: Vrin, 2013.

FOUCAULT, Michel. **Segurança, território, população**. São Paulo: Martins Fontes, 2008.

FOUCAULT, Michel. **Vigiar e punir**. Petrópolis: Vozes, 1987.

FOURIER, Charles. **El falansterio**. Buenos Aires: Godot, 2008. Textos seleccionados.

FOURIER, Charles. **Théorie des quatre mouvements**. Paris: Les Presses du Réel, 2009.

FOURIER, Charles. **Vers une enfance majeure**. Paris: La Fabrique, 2006. Textes sur l'éducation réunis et présentés par René Schérer.

GALLO, Sílvio. Biopolítica e subjetividade: resistência? **Educar em Revista**, Curitiba, v. 33, n. 66, p. 77-94, out./dez. 2017b.

GALLO, Sílvio. Da escola à rua: passos para uma filosofia da infância. *In*: RODRIGUES, Alexsandro (org.). **Crianças em dissidências**: narrativas desobedientes da infância. Salvador: Devires, 2018. p. 201-2016.

GALLO, Sílvio. Governamentalidade democrática e ensino de filosofia no Brasil contemporâneo. **Cadernos de Pesquisa**, São Paulo, v. 42, n. 145, 2012, p. 48-64.

GALLO, Sílvio. "O pequeno cidadão": sobre a condução da infância em uma governamentalidade democrática. *In*: RESENDE, Haroldo (org.). **Michel Foucault**: o governo da infância. Belo Horizonte: Autêntica, 2015. p. 329-343.

GALLO, Sílvio. Políticas da diferença e políticas públicas em educação no Brasil. **Educação e Filosofia**, Uberlândia, v. 31, n. 63, p. 1497-1523, set./dez. 2017a.

GUATTARI, Félix. **La révolution moléculaire**. Paris: Les Prairies Ordinaires, 2012.

MBEMBE, Achille. **Necropolítica**. São Paulo: n-1, 2018a.

MBEMBE, Achille. **O fardo da raça**. São Paulo: n-1, 2018b.

NIETZSCHE, Friedrich. **Humano, demasiado humano**. São Paulo: Companhia das Letras, 2000.

OLIVEIRA, Saete. "**Flechas & dardos**". [S. l.]: PUC, 2008. Seção de comentários para a série *Ágora*, agora 2, realizada pelo NU-SOL e veiculada na TV PUC. DVD.

PASSETTI, Edson. **O que é menor?** São Paulo: Brasiliense, 1985.

SCHÉRER, René. **Émile perversi ou des rapports entre l'éducation et la sexualité**. Paris: Désordres-Laurence Viallet, 2006b.

SCHÉRER, René. **Infantis**. Belo Horizonte: Autêntica, 2009.

SCHÉRER, René. **Petit alphabet impertinant**. Paris: Hermann, 2014.

SCHÉRER, René. Pré-ambule: L'échec d'une mainmise. In: FOURIER, Charles. **Vers une enfance majeure**. Paris: La Fabrique, 2006a. Textes sur l'éducation réunis et présentés par René Schérer. p. 9-45.

SCHÉRER, René; HOCQUENGHEM, Guy. «Co-Ire »: album systématique de l'enfance. **Recherches**, Paris, n. 22, 1976.

STIRNER, Max. **O único e sua propriedade**. São Paulo: Martins Fontes, 2009.

VINCENT, Hubert. **Le peuple enfant et l'école**: pourquoi pas Alain? Paris: L'Harmattan, 2012.

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