



David Niget, *La naissance du tribunal pour enfants : une comparaison France-Québec (1912-1945)*

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- 1 This impressive book, born out of a doctoral thesis conducted jointly at the Universities of Angers and Quebec, examines the complex question of the management and conceptualization of juvenile justice in France and Quebec from the eve of the First World War to the end of the Second. These decades, which witnessed the establishment of juvenile courts and the consolidation of a trans-national concern for the protection of children's rights, marked a critical period in the formulation of attitudes and policies towards the management of delinquent youth on both sides of the Atlantic (as indeed throughout the Western world, in general). Attempts were made to address the nefarious effects of rapid industrialization and urbanization, of which juvenile delinquency was one, while at the same time cultivating social peace and placating the growing demands of an increasingly politicized working class. Niget explores the comparative fates of implementing a specific branch of criminal justice for juveniles, through a close examination of the two comparable centres of Montreal and Angers (the latter choice justified because of its representativeness of national trends), one based on Common Law, the other on the Napoleonic system.
- 2 The book examines juvenile criminality both conceptually, as a socio-legal construction, and in reality, through actual judicial practices. Combining quantitative rigour with qualitative richness, his study is based on a remarkable analysis of court

documents from which he draws statistical maps showing broad trends as well as delving closer, opening up individual cases to perceptive scrutiny. The first half of the twentieth century was a watershed moment in the history of youth, deviant and otherwise. It was in these decades that governments throughout the Western world, building on the foundations established in the previous century, intervened in family life and extended the restrictions governing the autonomy of young people socially, culturally and economically.

- 3 Employing a panoramic structure, the book is divided into seven chapters, each of them touching on central themes concerning the conceptualization and implementation of juvenile justice practices. The first two chapters follow a chronological sweep, tracing the origins of the juvenile courts in Angers and Montreal, through their implementation up to the close of the Second World War. Chapter one explores the emergence of the juvenile justice system in France and Quebec at the start of the twentieth century, questioning whether it represented a true innovation and demonstrating the extent to which practices and structures were a continuation of the old system rather than a true break with the past. Chapter two traces the halting attempts to introduce a model of juvenile justice based on welfare at a time of constant concern about the breakdown of the nuclear family, especially in wartime. Expanding on these foundations, chapters three to five then examine specific types of offending which aroused the greatest concern, largely because of their symbolic rather than actual significance: theft, trafficking and fraud; physical violence; and juvenile sexuality (especially in girls). Chapter six – the only one to adopt a non-comparative focus, concentrating solely on Montreal – examines the origins of the legal concept of “incorrigibilité” through to the growing awareness of parental responsibility for children’s behaviour – a shift from dangerous to endangered youth. Rounding out the book, the final chapter reintroduces the comparative structure, examining the sentencing and methods of punishment, correction and surveillance applied to juveniles.
- 4 Young offenders, caught up in a wider concern about regulating poverty and reducing criminality – seen as both sides of the same coin – were dealt with through a mixed concoction of social and penal policies. The period in question witnessed a split of responses to deviant youth (what Niget aptly describes as an “émotion schizophrène”): sympathy to impoverished children, on the one hand, and fear of disobedient youths, on the other. This split had much to do with changing understandings of appropriate age-defined behaviour, buttressed, in turn, by legislation governing education and labour. As Niget’s work shows, while the State encroached on family life and although there was a growing rhetoric of the need for protection not punishment, there was nonetheless a discernable resistance to implementing long-lasting change.
- 5 What emerges clearly is that juvenile justice reform, especially in the case of France, was marked primarily by oscillation rather than linear progression. As Niget argues, the progressiveness of the rhetoric needs to be separated from the reality of actual reform. Even when changes were enshrined on paper, time and again the application of those reforms was limited by extraneous factors, such as inadequate funding and under-developed institutional supports. In France the shaky implementation of probation practices and the survival of *bagnes d’enfants* into the 1930s (despite the vehement campaigns calling for their closure decades earlier) are clear evidence of this. Directing the analysis beyond the confines of Paris is especially illuminating as it

demonstrates the shortcomings of a system that relied upon facilities and revenue that was more forthcoming in the capital than in the provinces. Actual reform was significantly more pronounced in Quebec where a juvenile justice system was introduced in 1912 with an entirely distinct court over which a single judge presided, supported by a body of staff with specialized (albeit limited) training. Gradually professional probation officers, straddling the private philanthropic and justice sectors, were incorporated into the system. However, low pay and inadequate training significantly restricted their reach.

- 6 Although much has been written about the history of deviant youth, especially in terms of its institutional management, Niget's work, which synthesizes a remarkable body of primary and secondary material, makes an invaluable contribution to the field. What is particularly enlightening is the book's temporal and geographical scope ; it analyses a period which has been surprisingly overlooked and engages in a comparative examination which has not before been undertaken. As such, he issues a corrective to the predominant assumption among historians that the period was simply stagnant or transitional, persuasively arguing that the issue of youth (deviant or otherwise) was central to interwar society. While there was a confluence of attitudes internationally towards child protection at the start of the twentieth century, actual implementation of reform was dependent on highly specific, localized factors. And herein lies the great virtue of the comparative approach employed by Niget : it throws into sharper relief the distinct characteristics of each place.

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