

10. FRANCE

Area in sq. miles	213,000
Population	40,000,000
Capital	Paris
Population of Capital	3,000,000

France has a probation law—viz. Conditional Sentence 1891, and *Liberté surveillée* (minors thirteen to eighteen years) 22nd July 1912. Criminal responsibility under thirteen years nil (partial in some cases), fourteen to eighteen years partial.

There are no full-time paid probation officers. Many trained and untrained voluntary workers members of welfare societies. There is a professional association.

The Juvenile Court Law 22nd July 1912 deals with offenders, dependents, etc., and three judges adjudicate. *Correction paternelle*, private psychiatric clinics exist, also counsel for the defence of children. No observation homes.

Patronage societies co-operate with the court. (See Appendix.)

An official reply in French, dated 28th June 1926, was received through diplomatic channels from the Chancellerie de Garde des Sceaux, Ministère de la Justice, to the following effect. The French law does not provide for probation of offenders in the precise sense of the English law. The French Law of the 26th March 1891 instituted the suspension of the execution of punishment in certain cases, and the law of 22nd July 1912 has created the regime of "*liberté surveillée*" (liberty under supervision) for minors aged from thirteen to eighteen years of age.

The following answers to my questionnaire were kindly given by Mademoiselle M. Th. Vieillot, directrice of the Social Service "*de l'enfance en danger moral.*" The replies were in English and were dated 25th May 1926.

1. There is a law which permits release on probation, but in the case of children only.
2. The law is called "Loi sur les tribunaux pour enfants et la liberté surveillée," dated 22nd July 1912.
3. The law is applicable to minors from fourteen to eighteen years of age, but offenders within these limits have their period of probation extended up to twenty-one years of age. The law does not apply to those over eighteen years of age.
4. Offenders may be placed on probation in their families under a probation officer, or on probation in institutions of approved societies.
5. Probation officers are not trained for their work; they are all volunteers, and all perform their work without payment.
6. Only in some cases are offenders examined in order to ascertain their mental, physical, etc., condition.
7. There are no clinics attached to the courts, but private psychiatrists are in close co-operation with the courts and are available when necessary.
8. The examination of offenders takes place during the trial. The trial is suspended in such cases and the examination is held before the final trial.
9. No scheme of intelligence tests is used.
10. There are no institutions to which offenders may be sent for observation as to their mental, physical, etc., conditions.
11. There is no special educational course for training probation officers.
12. The probation officer can refer offenders for examination if he thinks it necessary after judgment has been passed.
13. An Association of Probation officers came into existence in April 1926.
14. There are no full-time paid probation officers.

SUPPLEMENTARY INFORMATION

In 1924 I attended hearings at the Parisian juvenile court and had an opportunity of seeing the new Social Service Bureau in operation under Mademoiselle M. Th. Vieillot, its directress. As in some other countries, legal difficulties handicapped the introduction of welfare work in connection with the courts, but in the end a beginning of co-operation was instituted between the new Social Service and that interesting feature of French judicial work known as "la correction paternelle."

To understand the relationship existing between the Parisian juvenile court and "the Social Service for Children in Moral Danger" (that is the name of this new venture in child-welfare work), some account of the organisation of the Courts seems necessary.

SIMPLE POLICE COURT

In the simple police courts are tried those of all ages guilty of "contraventions," i.e. minor offences such as riding a bicycle without a lamp, excessive speed, nocturnal shouting, jostling, etc. The *juge de paix* specialised in this service reads aloud the names of the 200-300 offenders, the amount of the fine inflicted in each case (the maximum for a single offence in this court is 15 francs), at a great speed, and if any one of the offenders assembled in the body of the court is slow in the uptake, judgment may go by default. The amount of the fines is decided beforehand in the judge's room, and the offenders have the right to protest in open court with a view to modifying the amount or to being tried in another court. The law provides that children under thirteen years of age shall not be tried in the open court but in the judge's room. Actually no child under fourteen years has reached the court for several years past. The police themselves in a large measure carry out methods of repression even to the extent of administering "with the foot a well-placed correction,"* but if juvenile offenders continue their law-breaking, they are arrested and brought before the juvenile court. Minors between thirteen and eighteen years coming before the simple police court are sentenced at the public hearing irrespective of age.

JUVENILE COURT AT PARIS

This was established by the law 22nd July 1912, and is situate 36 Quai des Orfèvres, and the cases are heard separately, thus differing from the practice in the simple police court, where they await altogether the announcement of the judge's decision.

The *salle d'audience*, or room where this court sits, is about 26 by 33 feet with space for about fifty people. The three judges in black robes, circular hats, and with white neck-wear in the Johnsonian style, sat on a raised dais behind *une grande tribune*. There were various officials—clerk, *délégué*, usher, and advocates all in legal dress without wigs, whilst two police officials in uniform were in charge of the dock. I noted a lady advocate looking like a charming twentieth-century Portia. There was an enclosure for the representatives of Patronages, i.e. societies which take charge of such offenders as are suited to their special possibilities. Others present included witnesses, relatives, etc., who had received judicial sanction. All the cases had been considered before the judges entered the court. The president judge read the facts of the case as furnished in full detail by the police, asking certain questions to clear up doubtful matters and giving opportunities for the offenders in the dock to make their explanations. Witnesses took the oath raising the right hand. The judge had appointed an advocate to defend each delinquent. I heard one advocate make an eloquent appeal on behalf of his young client. The actual procedure in this

* "Le tribunal pour enfants," by Dr. Chloe Owings, p. 9.

court is the same as that in courts for adults but there is some latitude in the sentences. Minors of less than sixteen years suffer much smaller penalties for their misdeeds than those above that age.

For child offenders under thirteen years of age the principal verdicts in proved cases are :

(1) The child may be returned to his family if they guarantee his good behaviour or he may live at home under the supervision of a *délégué*.

(2) Placing the offender until his 21st year :

(a) In a private family under a responsible person.

(b) On a farm recognised for the purpose.

(c) In an establishment for abnormal children.

(d) In a recognised charitable institution.

(3) Putting him under the care of the Public Assistance Authority.

For offenders between thirteen and eighteen years the verdicts are :

(1) As for minors under thirteen [see above No. (1)].

(2) Placing him under a person or institution of a charitable nature and under the charge of a person responsible to the court.

(3) Committing him to a penitentiary colony.

Dependency cases, child neglect, adoption of children, and marriage of illegitimates are dealt with in the juvenile courts, which in the last case can refuse, or consent to, such marriage just as French parents may do.

A curious point caught my attention, viz. that theft from a parent is not regarded as a crime (*délit*) for which a child may be brought to court.

LE SERVICE DES MŒURS

This is a section of court work organised to control prostitution from the point of view of public order and of public health. In Paris this service falls under the duties of the prefect of police, in the provinces under the mayor. In the metropolis such infractions of the regulations bring the offenders before a kind of police tribunal ; but under the law of 24th March 1921 minors under eighteen years of age are considered as vagabonds (runaways), and thus come within the purview of the juvenile court.

LA CORRECTION PATERNELLE

All children who give their parents serious anxiety, even though no actual crime has been committed, may be detained in a prison cell. According to the French Civil Code, the parents or guardians of children under eighteen years of age, when the latter are " incorrigible or runaways," may appeal to the president judge of the juvenile court for his assistance. Such parental appeals are heard not in open court, but in the judge's room at the back. The judge has two alternatives in such cases: (1) he may grant the appeal, in which case these children are sent to prison, viz. La Petite Roquette (boys), or Fresnes (girls), or (2) he may dismiss the case, giving what advice or help he may think fit to the parents or guardians. The judges are now finding the value of the " Social Service for Children in Moral Danger " in helping them to make a sound decision under

(5) History of the delinquent; photo and age at which taken. Illnesses at various ages, family changes and their dates in the child's life, changes and their reasons, successive addresses, school-life in detail. Vocational work, changes and their reasons, and opinion of last employer.

(6) Names and addresses of those who can help, and central docket.

(7) Objective facts obtained by investigation and the following stories: (a) as told by the child; (b) as told by the parents, neighbours, schoolmasters, employer, etc.; (c) worker's impression of persons interviewed; (d) every step taken and results of follow-up visits.

A glance at Mademoiselle Vieillot's child-histories as shown in her records recalls the wonderful series of investigations narrated in the "Series of Twenty Cases" published by Drs. Healy and Bronner of the Judge Baker Foundation, Boston, U.S.A.

The following notes on "Service Social de L'Enfance en Danger Moral" are taken from the report dated 1st April 1926. Almost all the children treated were either brought by the parent to the judge under "correction paternelle" or else appeared before the court as delinquents. The Association serves as a link between the child, the family, and the magistrate.

In order that the right help may be given in the right way, there is in each case:

(1) An enquiry to lay bare the real causes of the problem of the child's family.

(2) A medico-psychological examination of the child in order to learn his physical and mental conditions, his character and vocational possibilities.

(3) The treatment necessary which the magistrate, the doctor, and the family propose for the offender's benefit (placing in an institution, change of environment or of work).

(4) Periodical visits for supervision and control which aim at preventing the offender from becoming a recidivist.

Since June 1923, the date of its foundation, the Social Service has dealt with 561 cases from all parts of the Department of the Seine.

The report considers that about one-third of these children are backward or abnormal, and that special institutions with appropriate methods might be effective in their re-education.

Other special consultations have been added to those of a psychiatric nature. It is hoped to convince the public that much misery leading to crime may be avoided by active measures of social prevision.

The strict application of school attendance laws would diminish juvenile criminality. Out of 1,979 delinquents, thirteen to twenty-one years of age—

- 241 were illiterate,
- 1,519 hardly knew how to read or write,
- 175 had their primary certificates.
- 44 had a superior education.

Speaking of her own 561 cases, Mademoiselle Vieillot tells us that:

- 204 of these are "live" cases under continual supervision.
- 205 are "in suspense," but periodical reports are received as to the success of the treatment operating. If anything untoward happened, the case would become "live" again.
- 20 cases of delinquents under thirteen years are being enquired into by the two *rapporiteurs* (assistants to Mademoiselle Vieillot), who will make their report to the judge.
- 132 cases are considered to be closed.

561 total.

Amongst the plans suggested by the Social Service for the treatment of young offenders are:

- (a) Probation in their families.
- (b) Probation in a family other than their own.
- (c) Probation in a "pension" where they pay for their keep.
- (d) Institutional treatment (patronage society, schools, special schools for mental defectives or backward children, asylums for the insane, schools for those removed from bad familial environment).
- (e) The withdrawal of parental rights from the parents or guardians and the adoption of the children by other persons or societies.
- (f) Where a plan is unsuccessful, application may be made to the judge for a change of method.

That out of small beginnings and under difficulties inseparable from a new venture in an old-established court system so much has been accomplished in so short a time is a tribute to the patience and enthusiasm of Mademoiselle Vieillot. It must be a comfort to her to find that work, at first regarded with some suspicion and doubt, has established itself to such an extent that the judges now wonder how they were effectively able to carry on before its establishment.

The term *rapporiteur* signifies "field worker, i.e. the person who obtains particulars concerning a delinquent as to environment, heredity, etc., etc. The term *délegué* is used of the person appointed as "delegate" of the judge to supervise delinquents. This distinction between "field worker" and "probation officer" is not peculiar to France. In at least one other probation department (Philadelphia, U.S.A.) the attempt was made to organise the officers into two sections, one for investigation, the other for supervision. This plan was subsequently abandoned and the probation officers undertook both investigation and supervision of their cases.

Another interesting variant in the basis of classification of probation officers comes from Cincinnati, Ohio, U.S.A. The Hon. Mary E. McChristie said at Denver in 1925: "So important is the effect of personality—that most elusive quality—on the child, that we assign cases not geographically, but according to the personality of the probation officer and the child."

Miss Owings, in her valuable book "Le Tribunal pour enfants," mentions that the vehicles which carry offenders to the French Court are named "Paniers à Salade." Similarly England has its "Black Maria" and Czechoslovakia its "Green Anthony."