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## Review: The 400 Blows and Juvenile Courts

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*Review:*  
***The 400 Blows and Juvenile Courts***

*By: Emily Knox*

**I. INTRODUCTION**

The intersection between juveniles and the law is a topic frequently debated among developmental, legal, and sociological scholars. Some ardently support strict, harsh punishments for youth who engage in criminal behavior. Others advocate for a more holistic approach. Juvenile justice is not only a national concern, but also, a concern across the world. The United Nations Convention on the Rights of the Child (CRC), effective September 2, 1990, issued guidelines for international human rights for youth. The guidelines dictate that arrests, detentions, and imprisonment should be used only as a final option with children, and that the time of detention should be as short as possible. Importantly, the CRC advocates that children should “receive a rehabilitative approach to juvenile incarceration.” Further, it supports extending due process protections to children.

At the national level, there have been many waves of reformation since the beginning of juvenile courts in 1899. Internationally, the impacts of juvenile justice systems on youth has been explored in media over the years through films, documentaries, music, literature, and art. *The 400 Blows*, although fiction, highlights many hallmark aspects of juvenile courts, both at their inceptions and today.

**II. SUMMARY OF *THE 400 BLOWS***

*The 400 Blows*, originally titled *Les Quatre Cents Coups*, is a French film that takes place in Paris, France in the 1950s. It tells the story of a young adolescent named Antoine Doinel. In school, Antoine is frequently disciplined by his authoritarian French teacher. Later in the movie, he tells his mother that he has so much trouble in school because it is hard for him to concentrate. The first scene of the film depicts an instance of such discipline, which arises from a class-wide prank involving a pin-up photograph. Without hesitation, his teacher sends him to stand in the corner of the classroom, and does not permit him from joining the class for recess. Antoine is also disciplined when, after skipping school the previous day, he falsely tells his teacher that the reason he was not in school was because his mother died.

This lie is indicative of the struggles Antoine faces at home, as well. While skipping school that day, he sees his mother kissing a man who is not his father. He knows that his mother does not like him, because he was conceived from a casual relationship she had before meeting his stepfather. His mother and stepfather constantly fight about finances, and they bicker and make passive-aggressive remarks towards each other. Antoine steals items from his family often, including a Michelin Guide, which causes accusations and

fighting between his parents. He frequently runs away from home. His family does not have a lot of money; Antoine sleeps in a sleeping bag on a bed in the entryway.

After his mother realizes that Antoine dislikes her, his mother begins doting on Antoine. She also offers him a reward of 1,000 francs if his next essay is in the top ten essays of the class. In order to please his mother, and to receive her reward, Antoine finds himself plagiarizing another author. He gets caught by his French teacher, he drops out of school, and he runs away. He begins secretly living in his friend's home, and steals his stepfather's typewriter. After unsuccessfully attempting to pawn it, Antoine feels guilty and decides to return the typewriter. Unfortunately, he is caught by the night watchman.

His stepfather turns him over to the police, who present the option of juvenile court. Through the juvenile court, the officer says, Antoine will be sent away, and would potentially learn life skills. The caveat, however, is that Antoine's parents will be required to transfer their parental rights to the juvenile court system. After brief hesitation, his stepfather agrees and Antoine is taken away to give a statement. In this statement, he shows remorse and promises that no one else saw him. His mother then meets with the judge, asking him to "scare some sense" into Antoine so that she can take him home. However, the judge discovers that he has been left at home alone for weekends on end, that his parents do not have control, and that his home life is not adequate. Instead of returning him home, the judge determines that the best course of action will be to send him to a juvenile observation center. There he will stay for a few months while psychologists study him, before a decision is made as to whether he returns home.

While at the center, he tells a psychologist about his childhood, stating that he knew his mother disliked him because, when he was born, she sent him away to live with a wet nurse, then to live with his grandmother, and finally brought him back home when he was eight years old. Additionally, his mother comes to visit and tells him that she will not let him return home, and that his only worth is in reform school or a labor center. The movie ends with him running away from the observation center and finding himself at the ocean.

### III. THE RISE AND EVOLUTION OF JUVENILE COURTS

#### A. *The United States*

The United States juvenile court system, first established in Cook County, Illinois in 1899, initially possessed a rehabilitative approach. Instead of viewing offending minors as criminally culpable for their actions, the original juvenile justice system assumed the criminal behaviors were due to minors' immaturity and impulsivity. The belief was that juveniles who engaged in criminal activity could be rehabilitated into law abiding adults if the state took over. Juvenile courts often focused on the best interests of the minor, with the state taking a *parens patriae*, or "parent of the country," approach. The early juvenile justice system prided itself on its lack of formality and flexibility, and did not have many procedural safeguards for minors.

This changed when the Supreme Court of the United States decided *In re Gault* in 1967. In *In re Gault*, a 15-year-old boy was accused of making an obscene phone call to a neighbor while on probation for theft. He was taken into custody, was not informed of the charges against him, and was not permitted witnesses. The judge sentenced the boy to a residential school until he turned 21. The Supreme Court held that certain, though not all, procedural protections should be extended to juveniles. This case demonstrated the lack of due process rights in the early juvenile courts.

In the 1970s and 1980s, advocates for juvenile justice reform believed that the high juvenile crime rates were caused by the interactions among developmental factors, such as, cognitive abilities, impulse control, peer pressure, a need for rebellion, and the risk-taking behaviors associated with youth. In the early 1990s, there was a rise in juvenile crime rates that caused a “tough on crime” movement among legislators and states began implementing harsher treatment of youth. More frequently, minors were being tried and punished in adult criminal courts. Occasionally, this meant death and life without possibility of parole sentences. It was truly a shift to a more punitive system. Now, as crime rates have been decreasing, juvenile courts in the United States are trending back towards its rehabilitative roots with certain safeguards and protections, but still continue to ignore the factors that draw youth towards criminal acts.

### ***B. France***

In contrast, the French juvenile justice system, implemented by a 1945 ordinance in the wake of World War II, was founded on three principles: specialized jurisdiction; the consideration of minors' ages to mitigate criminal responsibility; and an educational approach instead of a punitive one. Prior to the 1980s, the prevention approach used by educators was one of forming relationships with youth through “prevention clubs.” However, with a rise in juvenile delinquency in the 1990s, much like the 1990s “super-predator” phenomenon in the United States, the French called for change. Like the United States, the “tough on crime” movement ignited juvenile justice reformation. While this educational and social focus has remained in place in French juvenile justice since the 1940s, prevention became an important driving force towards reform, even beginning in the 1980s. This prevention, highlighted in the “Bonnemaison Report”, focuses in part on supporting and educating parents as they exercise their authority over children.

Two juvenile justice concerns during this time of reformation in France were the lack of a clear policy regarding minors and the absence of specialization required for handling minors. French police forces' “juvenile brigades,” with their focused youth training, began expanding, although they are still focused mostly on serious offenses. Additionally, in France, police are not given discretion when holding minors in custody, and must receive approval from the prosecutor before doing so. The prosecutor is given authority to either release, call back the minor for voluntary questioning, or impose a settlement with the minor. As is law in some states like Illinois, French police must inform

minors' parents of the custodial interrogation, and police must inform minors of their rights to have an attorney present.

In some cases, French minors between 13 to 18 years old can be placed on probation, under which they are assisted, protected, supervised, and educated by either the Judicial Youth Protection Office or a private facility. Minors can also be placed in educational centers for an initial six months and potential additional six months. This is much like the observation center Antoine was sent to in *The 400 Blows*, indicating a lack of finality or concreteness in the punishment. In terms of sentencing, the judge can either implement educational sanctions or divert the case to juvenile court. In juvenile court, minors can receive educational sanctions, fines, or prison sentences. Educational sanctions could include confiscating a minor's belongings relating to the offense, mandating a training course, and requiring restitution. Minors can also be placed in a living unit, required to participate in community service, and electronically monitored.

#### IV. THE SCHOOL-TO-PRISON PIPELINE

For many youth, much like Antoine in *The 400 Blows*, discipline often begins in school before it begins with the court system. In a system referred to as the "school-to-prison pipeline," students are both directly and indirectly forced towards prison through school practices. Students often experience the juvenile court system through school referrals to law enforcement for disciplinary matters. This referral stems from either the disciplinary policies in place at the school or through zero tolerance policies.

Regarding school discipline, about 3.3 million American children are suspended each year, and 95% of suspensions are for nonviolent disruptions like tardiness or being disrespectful. Just one suspension can double the likelihood that a student later drops out of school. Zero tolerance policies, which gained popularity during the "tough on crime" movement in the 1990s, mandate specific and harsh disciplinary actions, regardless of the circumstances surrounding, reasons for, or history of behavior. Some of these circumstances could include problems in the student's home life, as Antoine faced, or learning disabilities that have gone undiagnosed, as might have been the case with Antoine. Initially, these policies were intended to curb students from bringing weapons, specifically guns, to school; however, in execution, these policies extended to other behaviors.

Although zero tolerance policies are intended to have a "blind justice" approach, these policies tend to negatively impact students of color. African American students are disproportionately suspended and expelled, which leads to a disruption in their education. This could be caused by a lack of classroom management, a lack of cultural competence and training, or racial stereotypes held by teachers and administrators. Disciplinary punishments like suspension and expulsion therefore increase the likelihood that a student, especially a student of color, will drop out of school or enter the juvenile justice system.

As seen in *The 400 Blows*, a suspension or expulsion can lead to criminal activity, whether out of boredom, survival, or lack of guidance. While the movie was set in the 1950s, zero tolerance policies and harsh discipline policies in schools can — and do — have similar effects today.

## V. CONCLUSION

In the United States, the treatment of youth in juvenile courts has evolved over more than a century as reformers and legislators continue to learn more information about child development and behavior. Although fiction, many aspects of the film *The 400 Blows* represented reality when the movie was released. For example, children were often taken into the custody of the government when engaging in criminal activity. Youth were sent to reform schools and centers with no concrete sentence. While confidential, procedural protections were not afforded to juveniles.

Much more can be done, both in the reformation of the juvenile justice system and in school disciplinary policies. First, zero tolerance policies need to be reevaluated. In *The 400 Blows*, the audience sees firsthand how outside influences can have understandable effects on school behaviors. Disciplinary policies need to account for these circumstances. Additionally, restorative justice is a recent approach in which accountability and restitution are emphasized. This approach, with its focus on mending relationships with others and the community following a harm, can be used both in schools and in criminal justice systems. By incorporating a more holistic understanding towards youth who commit crimes, society can better support and rehabilitate youth.

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