Disciplining Sentiments: Responsibility and Guilt in the Justice System for Minors
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ABSTRACT

In France, the justice system for minors, since the government edict of 2nd February 1945, has been distinguished officially from others by the importance attached to applying an “educative” rather than “repressive” approach. This explicit stance on the part of the political and judicial authorities is reflected in the development of institutions whose policy is one of “educational” supervision. But what does this educational work consist of? In a context marked by the increasing bureaucratization of socio-judicial work, how do officials assess the impact and effectiveness of the policy? Using the results of an ethnography conducted in an open custody unit of the Youth Judicial Protection Service (Protection Judiciaire de la Jeunesse) and a children’s court in the Paris region, this study shows that professionals attach particular importance to bringing about a change in attitude towards self and others. The understanding is that “successful support” of delinquent minors will encourage them to express a sense of responsibility and guilt for their behaviour, two feelings invested with redemptive, healing abilities. Expression of such sentiments, which are at the heart of the moral economy of juvenile delinquency, is understood to attest to a subjective transformation, which becomes the ultimate justification for the work done with these delinquents as well as a condition for their pardon. The importance attached to eliciting expressions of a sense of responsibility and guilt thus contributes to disciplining sentiments, where the aim is no longer to correct behaviour but persons.

The structure of the French justice system for minors is based on the 2nd February 1945 edict, which established a specialized legal jurisdiction for children. The courts for minors are called on to pronounce “measures for
protection, assistance, supervision and education.” When decided on, sanctions must be “educative” and punishments (reserved for minors aged between 13 and 18 only) must take into account the “mitigation of their criminal responsibility” (art. 2). The 23rd December 1958 edict amends and supplements the 1945 edict by bringing together delinquent minors and children at risk under the authority of the same judge. (3) The children’s judges can be supported in their actions by the Youth Judicial Protection Service (Protection Judiciaire de la Jeunesse–PJJ), which replaced what used to be Supervised Education (Éducation Surveillée) in 1990. Able to intervene in civil as well as criminal cases, the PJJ is a socio-judicial service of the Ministry of Justice, that employed 8,500 professionals in 2011 working within public organizations (around 800 institutions) and state authorized associations (more than 1,200). (4)

In focusing on the moral economy of juvenile delinquency, which can be conceived “as the production, distribution, circulation and use of moral sentiments, emotions and values, norms and obligations [relating to juvenile delinquency] in the social sphere” (Fassin 2009: 1257), this article shows how “educational” practices and policies seek to discipline minors, correcting not only their behaviour but also their sentiments. The emotions, values, norms and obligations circulating within this moral economy are based on shared beliefs. The actions taken and the means used must firstly serve to give minors a sense of “responsibility,” a process that is understood to be a more or less binding dynamic, aimed at progressively empowering them through transforming their “interiority.” The socio-judicial work thus seeks to make them recognise that certain forms of deviance are misdemeanours’—and thus make them aware of their “guilt”—in order to make their redemption and reintegration possible. The PJJ therefore works closely with children’s judges to implement a disciplinary policy aimed, not solely to (re)place these children under the rule of the state, but also to turn them into subjects by “straightening out” their behaviour and emotions. Situated between subjugation and subjectification (Foucault 2001), the socio-judicial activity enables others to be governed through work on the self (Foucault 2008), producing subjects who are constrained and normalized, whose behaviour and emotions are made to conform.

In studies of socio-judicial work, disciplinary processes have mostly been studied—and criticized—from a perspective of a dynamic of subjugation, objectivized by the analysis of restrictions placed on individuals under the control of the state. By reproducing the judicial ideology on which the hierarchy of punishments is based, most studies have postulated that this state power is more visible and violent when it constrains the body. The majority

(3) On the children’s judges’ profession and its institutional role in the current context, see Bastard and Mouhanna (2010).

(4) The service’s educational mission is provided to both delinquent minors and at risk children. The boundary between these two categories is keenly debated (see below), but about 90% of its activity relates to the criminal law.
of recent studies have thus taken place in institutions that deprive liberty to a
greater or lesser extent, whether managed by the PJJ or the prison authorities
(Administration Pénitentiaire). (5) However, the intensity of debate on the
imprisonment of minors should not mean that we ignore how marginal its
place is in everyday judicial activity. The majority of educational work
conducted by the PJJ is mostly done in 275 open custody educational units
[Unités Éducatives de Milieu Ouvert–UEMO], which are, moreover, less
visible, commented on and studied. Hence, in 2010 for example, the statistics
relating to child delinquency showed only 1,019 provisional detentions
among the 37,156 presentencing measures handed down (2.7%) (6) and 5,157
custodial sentences among the 67,334 corrective measures and final sentences
(7.6%). (7) It is true that research on the custodial environment has allowed us
to improve our knowledge of the coercion processes, but these studies some-
times omit euphemized forms of disciplinary action used in the everyday
management of delinquency. Yet, the disciplinary rationales that permeate
the treatment of juvenile delinquency do more than subjugate, control and
restrict, they also seek to produce subjects who are morally “educated,” (8)
corrected undoubtedly, but above all (re)adapted. The socio-judicial work is
supposed to teach a better way of being and acting.

This study took place in an institution in a suburb of Paris I have called
Villiers-sur-Oise for reasons of confidentiality. This open custody educational
unit (UEMO) allowed me to observe its work for seven months between April
and October 2010. The service was made up of nine education workers, two
psychologists, a social worker, a secretary and a director. I spent time in the
unit at varying intervals, but spent an average of two days per week there; this
amounted to more than 450 hours spent with the professionals, accompanying
them in their daily activity. This repeated attendance in the unit made the
observation of a variety of situations possible, corresponding to the diversity
of tasks undertaken. Aside from the odd occasion, I was able to attend

(5) The PJJ manages specialist facilities, notably sixty-three remedial education centres
(Centres Éducatifs Renforcés–CER), forty-four
custodial education centres (Centres Éducatifs
Fermés–CEF) and three centres for immediate
placement (Centres de Placement Immédiat–
CPI). The CERs, CEFs and CPIs are contro-
versial institutions, created in the 2000s, and
aim—by means specific to each—to remove the
minor from his/her original environment. While
some of these institutions are in the public sector,
the majority belong in the state-authorized
associations sector. As for the prison authorities
(Administration Pénitentiaire–AP), they currently
run six detention centres for minors (Établisse-
ments Pénitentiaires pour Mineurs) and of
course the “minors’” blocks in remand centres
(Maisons d’Arrêt) (although these also have
special education workers from the PJJ working
in them). On the settings run by the AP that
deprive the most liberty, see Chantraine (2010)
and Le Caisne (2008).

(6) “Pre-sentencing measures” are pre-
judgement decisions taken by a judge (social
investigations, psychological investigations,
judicial control, provisional detention, etc.).

(7) Source: Ministry of Justice, Les chiffres-
clés de la Justice (2011). For the later figure, it
should be noted that 27,464 measures are classed
as “Admonition, returned to parents, exemption
from measures or punishment” (40.7%), that is
to say not pursued within the socio-judicial
setting including the open custody units and
educational assistance.

(8) For looking at the educational supervision
of working classes by judicial institutions in
terms of “moral education,” see Contant (2005).
interviews between officials and “users” (minors and/or their families) with the unconditional agreement of the persons involved. Following the interviews I was able to attend—most frequently carried out by the education workers and less frequently by the psychologists—, the conversations that took place were reviewed. Some professionals also allowed me to accompany them on activities outside of the unit: e.g., home visits (5), visits to other services dealing with child delinquency (5), meetings in hospitals (2), sporting, professional and cultural activities (3), etc. It was also possible to analyse the weekly meetings that took place in the service during the study period; each meeting, lasting three hours, reflected the life of the unit (judicial developments, administrative regulations, distribution and allocation of tasks, etc.) and included the presentation of two “cases” in progress. These sessions were occasions to revisit cases thought to be “problematic” and to observe modes of professional regulation. Any spare time from fieldwork was used to compile an additional forty cases of minors either being supervised or having been supervised by the service. This work on “documents” permitted an objective look at the means of transmission between the unit and its partners (principally the court, but also associations, other public services, hospitals, etc.). Finally, while the majority of the ethnographic work took place in Villiers-sur-Oise, I also accompanied the education workers to the court of competent jurisdiction for the towns covered by the unit. I was thus able to observe—with the agreement of magistrates and families—hearings in chambers and (around twenty) trials in court. This methodology allowed access to the variety of tasks carried out in the unit and to attempt to unify—across the various activities—the norms and values that permeate the management of juvenile delinquency in practice.

While the UEMO is situated in Villiers-sur-Oise, the service also works in three other towns in the same département in the Île-de-France and covers a population of around 200,000 inhabitants, in an area that is highly urbanized (with an average population density of around 3,650 inhabitants per km²). The social characteristics of the population dealt with by the unit are relatively homogeneous, despite local differences between the residential housing areas and the housing estates of this neighbourhood that is characteristic of the Parisian banlieue. The population suffers from greater economic insecurity than the regional average, with an unemployment rate of 15.8% in 2008 and with an average annual declared household income of 20,719 euros (against an average of 10.8% and 30,198 euros in the Île-de-France for the same period). Some neighbourhoods in Villiers-sur-Oise were, moreover, involved in the 2005 riots and the memory of these remains vivid among the professionals.

(9) Minors are tried in camera. While magistrates accepted my presence without difficulty, it was understood that some information should be changed to guarantee the confidentiality of the persons involved.

(10) Source: INSEE. The regional level was preferred to the national level to take into account the unfavourable economic situation of this population area in comparison to its immediate environment and the sense of being in a lower class and disadvantaged that some of its inhabitants suffer from.
in the service. Finally, looking more specifically at the population supported, the UEMO deals with more than 200 cases annually, involving boys in nearly nine out of ten cases, of whom 80% are aged 16 or over. Without possessing official statistics or figures, examining records (types of name) and cases (biographical data collected) shows a marked overrepresentation of minors with immigrant backgrounds (Maghreb, sub-Saharan Africa) or from overseas territories, reminding us once more of the real effects of the relationship between social inequality and racial discrimination (Fassin and Fassin 2006; Terri 2009).

This article firstly details how a so-called “restorative” measure used by the UEMO in order to make adolescents show “responsibility” for their actions unfolds. While the polysemy surrounding the concept of “reparation” encourages different interpretations by education workers in the PJJ, all are ultimately based on professional ethics that value self-transformation. Secondly, based on an ethnographic study of a court case in the children’s court, we will show how the judicial institution evaluates people on the basis of their ability to express guilt, a sentiment that is considered to be an indicator of successful educational work. The minor must also show that he has “changed” and, with the socio-educational work having functioned as a lesson, that he now understands the seriousness of his offence, for which he is required to apologize. The socio-judicial supervision thus seeks to mould people who are able to understand their aberrations and who are susceptible to experiencing the feelings expected of an autonomous and disciplined subject, by combining awareness (responsibility) and the search for redemption (guilt). Recent contributions have correctly emphasized the emotions and affects in this work (Soares 2003)—including when it is related to the public services or to law and order and education professions (Pierce [1995] 2003; Mainsant 2010; Bodin 2011). These analyses point out that, even though bureaucrats make a professional virtue of indifference, all activity involves subjectivities (Herzfeld 1992). Here, however, this is more a question of considering the way in which public services and judicial authorities deploy, rationalize and evaluate their activities as a function of the supposed effects on the subjectivity of officials than it is of recalling that all rationality is emotional.(11)

Responsibility

“Responsibility classically corresponds to the duty to answer for one’s actions. The social injunction to responsibility is applied in particular to the way we look after ourselves, our bodies and our health. Here this concerns the means for making people act, which consists of submitting all individuals to

(11) For an analogous inversion on “emotional labour” (worked by but also worked for) see the pioneering work by Hochschild (1983). In line with Hochschild, we do not distinguish between emotions and sentiments in this article, which are treated in the same way (Hochschild 2003: 21).
orders while considering them to be actors in their rehabilitation, recovery and care.” (Fernandez 2012: 357). The process of making people aware of their responsibilities thus seems to be a restrictive process aimed at the production and expression of recognized indicators of a changed relationship with others and themselves; as Fabrice Fernandez writes, it expresses a submission to orders and capacity for action. In the moral economy of juvenile delinquency, making people aware of their responsibilities appears to be a value for assessing socio-educational work—primarily done by the professionals in the PJJ (Milburn 2009; Sallée 2010). But it implies more than a “means of making people act;” it is also a means to “make people feel,” so that minors begin to show satisfactory sentiments.

The means available to make people accept responsibility range across the quasi-totality of initiatives adopted by education workers. Here we are interested in a specific judicial measure, the principal objective of which lies precisely in the sought after subjective transformation sought: namely the “reparation” measure. In France, this reparation measure first appeared in the law concerning minors with the adoption of law no. 93-2 of 4th January 1993 reforming the criminal law procedure. Article 118 amends the 2nd February 1945 edict relating to childhood delinquency by introducing article 12-1, which allows the public prosecutor’s office or a judge to “propose a measure or an assistance activity or an act of reparation to a victim or in the interest of the community.” (12) The execution of this is entrusted to the services of the PJJ or to an authorized person or entity. (13) Its introduction at the beginning of the 1990s is explained, in part, by the decision to reduce the detention of minors (a recurrent wish of the authorities during the 1980s), in a context marked by a diversification of judicial responses (Milburn, Bonnemain and Thomas-Neth 2005). This incorporation into French law is, in reality, a product of innovation elsewhere. Since the 1970s, various relatively theoretical initiatives have been implemented in English-speaking countries to renew traditional forms of punishment by promoting a new “model of justice” through “restorative justice.” Promoters presented these initiatives as a modern alternative to retributive justice (centred on the restoration of order and the imposition of proportionate punishment) and rehabilitative justice (which emphasizes the treatment of the delinquent from a social or psychological therapeutic perspective). Principally developed based on the work of Howard Zehr (1990, 2002), restorative justice advocates a liberal vision of justice, centred on people. Crime is seen less as an act against the state or society than as an offence committed by an individual against another individual or a community. In promoting a contractual regulation of forms of deviant behaviour, its advocates aim to encourage a connection between the

(12) The reparation measure can be pronounced at any stage in the proceedings. The public prosecutor’s office can pronounce it as an alternative to a court ruling, the judge during the investigation phase or at trial.

(13) The carrying out of reparation measures can be entrusted to community associations and notably to one of the forty-six Services de Réparation Pénale (SRP).
victim and the delinquent to explain, evaluate and partially compensate for the harm suffered. The emphasis is on the participation of the actors in the legal process (victims and offenders) in a dialogical and consensual dynamic.\(^{(14)}\) In France, the notion of reparation appeared at the beginning of the 1980s (Menga report \([1983]\), Martaguet report \([1983]\), 11th May 1984 circular relating to the application of work in the general interest, etc.), subsequently legitimized by international recommendations at the European level and from the United Nations (Milburn, Bonnemain and Thomas-Neth \(2005: 14-5\)). But while criminal reparation was incorporated into French law in 1993 it was not until 1997 that the measure was developed and became a durable part of the national legal landscape. In 2008, according to the Ministry of Justice, nearly 33,500 reparations were arranged by the PJJ services (including 9,000 measures ordered by the Public Prosecutor [Procureur de la République] as an alternative to prosecution)\(^{(15)}\).

The museum visit

Under the auspices of restorative measures, some education workers in the UEMO were in the habit of arranging visits to the PJJ museum at Savigny-sur-Orge. One afternoon I accompanied Virginie and Alain. Of the seven minors expected, only Abderrahmane, Andy, Éric and Woody turned up. All four of them were fifteen years old, and like the majority of minors overseen at Villiers-sur-Oise, were of foreign origin (Maghreb and sub-Saharan Africa). On our arrival we were greeted by Marie-Pierre, a PJJ education worker in charge of visits. The four adolescents were informed about how the day would unfold at a meeting beforehand. After a brief presentation, the visit began.

The first picture we stopped in front of depicted "pailleux\(^{(16)}\)" in a dungeon where minors and adults are imprisoned together. The reactions were unanimous; the youths\(^{(17)}\) declaring with pride an apparent knowledge of prison life. Andy smiled: “he’s going to get raped,” he will have to “give up his food,” or “follow the boss.” The second image left the visitors a little more perplexed. It was a print depicting the Prison de la Petite Roquette. Here the minors were imprisoned in solitary confinement for 23 hours a day with no possibility of communication. Abderrahmane was enthusiastic: “Yeah, that’s tough! Couldn’t you see your family, or anything?” The education worker

\(^{(14)}\) For a critical interpretation of the extension of the model of restorative justice, see Lefranc \(2006\).

\(^{(15)}\) Source: Ministry of Justice, Les chiffres-clés de la justice des mineurs \(2008\).

\(^{(16)}\) The term “pailleux,” as explained to visitors, refers to prisoners with no facilities, for whom the only comfort granted was a little bit of straw (paille) thrown on the ground.

\(^{(17)}\) The category “youth” is obviously to be used cautiously \(1995\). In the context of this article, I do not use it as a sociological category, but only in the sense (common and practical) that it is used by the professionals whom I was studying.
explained that the upper-class children could benefit from different treatment. Andy sighed: “Yeah, but the posh kids get out after.” The education workers smiled. The guide then took the opportunity to clarify how the houses of correction operated in a militaristic way. One point particularly shocked the four boys present, the mandatory catechism and prayers. Their unease was real: after a few seconds, Andy dared to ask “And what if they’re not Christians?”

Signs of boredom began to be shown and the visit sped up a bit; presently we stopped in front of a depiction of young girls who were clearly prostitutes.

Marie-Pierre: What are they doing?
Abderrahmane: Yeah, they’re whores …
Marie-Pierre: What’s a prostitute? [Silence, embarrassment, shifting glances]
Abderrahmane: A girl who gets paid to sleep with someone.
Andy: She sees too many boys, things like that.
Éric: That means that they didn’t know how to educate their children in those days.

The education worker sighed and attempted to explain about social violence. The argument did not seem convincing, and the four boys rapidly became disinterested in the destiny of the “whores.” A print of the theft of a bicycle interested them more and the guide took advantage of this to question them on the presumption of innocence. They did not understand and based on the case presented, they repeated that “it’s up to the judge and the police to prove that it’s not him.” The education workers attempted to show them that the opposite is a fundamental principle of justice. But suddenly, Andy realised: “Hey! There are no niggers!” They then moved on to a photo showing several children lined up. Marie-Pierre attempted a game:

Marie-Pierre: Is it possible to detect a crime before it has occurred?
Abderrahmane: Yes!
Andy: Maybe.
Marie-Pierre: So, tell me which of these is going to commit a crime…
[Without hesitation, they all point a finger at the two children who look the toughest]
Abderrahmane: Oh yeah them! They must’ve fought and everything.
Andy: He looks really shady.

When Marie-Pierre attempted to make them aware of assuming guilt because of the way someone looks, they resisted this negation of practical knowledge: “Yeah, but it shows. I dunno… the walk and everything. Faces show it… It’s obvious, if you’re a gangsta.” They eventually acquiesced, short of arguments against the gentle but firm reasoning of their guide. Marie-Pierre next stopped in front of a depiction of the Belle-Île-en-Mer institution and the famous 1934 revolt. When they learned that the delinquents came together to resist the coercive measures penal institutions took against them, the youths approved of this and explained in a knowing way: “There’s more solidarity in a cité [housing estate/project] than in posh areas.” One of the education workers from Villiers-sur-Oise intervened and reminded them that confrontations do occur between youths from working-class neighbourhoods. Abderrahmane interrupted: “Yeah, but no. It’s not the same. And in any case, that’s between them.” Andy adds: “You say there isn’t any
solidarity in the cités but when the police kill youths from the cités... then there’s immediately a riot.”

The visit was reaching its end. To conclude, Marie-Pierre presented archive documents from after the 1945 edict. For the first time in the exhibition a photo showed two boys smiling, shaving side by side. Abderrahmane exclaimed: “They’re gays!” Marie-Pierre responded: “It’s not a gay photo... The photo shows that the children are happier.” She then touched on the new activities that have been developed since 1945, emphasizing leisure and sporting activities and explaining that “it”’s no longer a house of correction.” Abderrahmane interrupted: “Ah yeah, it’s a CEF.” Marie-Pierre corrected him: “No, it’s Éducation Surveillée. É-DU-CA-TION.” The visit ended on the initiatives adopted in the 1970s-80s, the repressive reforms put in place in the last decade were not explicitly commented on, the education workers having a tacit rule of never criticizing the changes to their profession in front of the youths in their charge.

(Self-)repair

In its 11th March 1993 circular, the Ministry of Justice clarified the implementation of criminal reparation measures. The actions can be directed “against perpetrators who are minors, for whom this measure, while being a penal response, takes on a definite educative character,” “vis-à-vis victims who find it a rapid response and proportionate to the harm suffered” and “vis-à-vis the community that may be associated with the implementation of this measure, which can contribute to a change in the perception of the delinquency of minors.” The text foresees the possibility of a direct reparation aimed at compensating for harm suffered by a victim, or an indirect reparation “in the interests of the community;” the education workers are in charge of implementing the most appropriate solutions. However, this freedom is not enjoyed without some problems being raised, since officials are asked to determine which educational response to implement on a case-by-case basis, and it reveals moral and political disagreements regarding the meaning given to their actions. To justify their differences, they all say they reflect the “true” philosophy of the measure; but the law does not define it for all; in reality each interprets it. These differences articulate the reality of the tensions that make up and permeate the education workers’

(18) Note No. NOR JUS F 93 500 13 C.
(19) “The reparation measure can be made with respect to the victim directly affected by the offence and is intended, to the extent that it is possible to repair the harm caused, it shall in no event exceed it, but it may, however, make up for it in only a partial or symbolic manner—such is the case with detailed apologies directed to the victim.”
(20) “Thus, they can be offered participation in community-based services in public bodies or associations recognized to be of benefit to the public, or services that are more exclusively directed towards the youth him/herself, such as awareness sessions on specific aspects related to the offence.”
work and, in the same process, reveal the agreements and disagreements
that unite a profession and divide professionals. Hence, for example, in
Villiers-sur-Oise, of the dozen officials in the service, several raised concerns
against what was considered an unsuitable initiative. These concerns were
relayed by some magistrates in the children’s court who wondered how well
the outings matched the measures pronounced. While, for some “the museum
instrument is a wonderful pedagogical tool,” others had reservations about its
use and preferred actions linked to the offences committed: painting work,
driving courses, building work, etc. However, these debates conceal the
issues that call into question the very meaning of the socio-judicial work and
of punishment.

Viviane has been an education worker with the PJJ for twenty years. Politi-
cized and unionized (SNPES-PJJ), she has well-established views and an
ability to reflect on her practices that distinguishes her from her colleagues.
She defends the museum visits and explain to me:

In terms of its philosophy, it’s a great measure. Even though it takes time and resources, it
allows the kid to repair his ego, while at the same time it is good for society. But not for
the victim, eh! It works on the youth, on the act. The victim is the youth … The youth must
reflect on the other, turn his back on his act … The restorative measure must be designed so
that the youth demonstrates what he is capable of to himself and his parents. You have to
appreciate the poor image they have of themselves. Even if a kid is a real pain in the neck,
if he’s aggressive, it’s because he’s hiding a lot of narcissistic insecurity … So the mu-
seum allows us to tackle loads of things: immigration, relationships between girls and
boys, the post-war boom years, etc. Re-establish some form of communication. Make them
open up to others.

Viviane thinks of reparation in terms of a psychological process. Discover-
ing the history of the institutional treatment of delinquency is seen as a
moment of collective sharing capable of eliciting an “educational” reaction,
where the “youth must reflect on the other, turn his back on his act.” She
explains to me during our interview that the visit is conceived as “a means
offered to a youth to improve his self-esteem.” She defends the “pedagogical
dimension,” which, while remaining open-ended and not positively defined,
is seen as an alternative to “repressive” measures. For Viviane, the reparation
is above all a narcissistic one that benefits from “what educationalists put in
place in the 1980s and 1990s: the individualization of measures.” Since
“some have never been to a museum,” it is question of “repairing the youth so
that he feels more at ease with his behaviour and finds his place.” The activity
carried out is not construed as a compensatory action directed towards a
victim or an abstraction of society: “If it’s about getting them to paint a
garage, it’s not worth it.” It is seen more as an opportunity offered to educa-
tion workers to “help the youth to reconstruct himself,” “provide him with
something,” and to transform the education into “a useful time for him.” For
Viviane, “the point of the PJJ” is based on “respect for this principle.” Her
views reveal an ability to reinterpret the measures imposed. In law, the differ-
ence between direct and indirect reparations is the difference between actions
directed towards the victim (direct) and those directed towards society (indi-
rect). But, in both cases, the process is thought of as reparation to others.
(individual or collective) in proportion to the offence. And yet, Viviane’s “indirect reparation” relates more to work on the self, valuing education as a moment of transmission capable of restoring a damaged ego.

Bilel works at the UEMO in Villiers-sur-Oise. In his forties, this education worker is also politicized and left-leaning. Questioned on the museum visits, he explained to me:

Why not make a museum if it makes them a bit more aware of justice for minors? What it was like at a particular time. … To show them that it is no laughing matter to be pursued by the justice system, this “status” means something, to shock the kid there into making a connection with an offence… Make a link, if you like, between the offence and the reparation; in an appropriate setting. Take the concrete example of a kid who commits an offence in an educational institution, vandalizing a school, etc. I find that it’s quite effective for this type of offence—vandalism for example—, to take them to these institutions, even if they are familiar with them, have been to them or still go to them, to show them from the inside the damage this can do in terms of inconvenience.

Bilel then details some of the actions he has been able to undertake, how he has “placed kids with the RATP [Autonomous Parisian Transport Operator], in a bus depot, in a neighbourhood association, in Restos du Coeur [soup kitchens] and with Secours Populaire [charity organization giving assistance to the poor] … because talking about offences in absolute terms is very theoretical, and that’s very superficial.” He values partnerships with outside institutions and systematically encourages the development of links with the voluntary sector. Certainly, by increasing the number of private partners involved in socio-judicial work, this policy encourages the delegation and privatization of institutions of social control (Crawford 1997); but the education worker sees it as an opportunity offered to young people “to meet other people, and get them out of their neighbourhood a bit.” He prefers to “interest them in the justice system, the law and in the rules, but [by putting them] in a position to make symbolic and concrete repairs, to participate … to be doing something a little constructive.” Unlike Viviane, reparation is not seen only as a way to repair a wounded ego or to regain social status. But neither is it a matter of acting directly towards the injured parties. Instead, Bilel favours action aimed at partially compensating for harm by making victims partners in the process indirectly, through creating broader awareness.

This type of reparation, acclaimed for its educative virtues, is intended to develop responsibility in accordance with values supported by most professionals. The process begins with a reminder of social hierarchies, where the judicial authority reasserts its authority. Moreover, it is this—principal, if not unique—virtue that Bilel recognizes in the museum: it signifies “that it means something” since the justice system can imprint itself on the body (imprisonment) and in the mind (re-education). And if the modern penal treatment of juvenile delinquency seems to be characterized by a progressive humanization of punishments, an historical reminder permits institutional violence to be resignified through a symbolic warning. We thus find a recurrent feature of the educational work in open custody in Bilel’s position. The initiatives that are most frequently adopted value actions and emphasize projection. The
minors must “do something,” “be active,” “not let things go,” be able to “make plans” (Zunigo 2007). Inactivity is seen as an indicator of renouncement, of a lack of willpower symptomatic of a pathological state or of a “kid who is going to pose problems” and with whom “nothing can be constructed.” The activities implemented are gendered, and systematically value effort, endurance and certain masculine values (competition, confrontation, struggle, resistance, etc.). Sport clearly occupies a prominent position, notably in its manly forms: the suggestion is for “kids to put on gloves [do boxing],” “a ripped kid [well muscled]” is admired and “macramé and jam making workshops” that the management wanted to impose are mocked—the weakness and incompetence attributed to the hierarchy are embodied in the feminine activities that they want to organize. To see oneself as competent as an educator is to understand “the youths” and their tastes and to share them. Therefore, direct reparation is seen as a more relevant solution. Unlike the “theoretical” reflection (feminine) that is embodied by the museum, it possesses the virtues of “practice” (masculine), making a relationship to a specific world a universal educational value.

The views and practices of Viviane and Bilel convey two distinct interpretations of the principles of restorative justice and have difficulty agreeing on who the recipient of the reparations is. Is it the community or the individual? And among the individuals, who is the victim to favour? Is it the delinquent minor (victim of his own delinquency) or the individual harmed by the crime he has suffered? The two positions appear relatively antagonistic and are based on distinct trajectories and commitments. However, beyond their apparent differences, these views reflect a common dynamic. While the officials are divided on whom these measures are addressed to, they are agreed on their necessity and the merits of “reparation,” of “compensation” and of “facing up to responsibilities.” I have encountered no professionals (educators, directors, magistrates, lawyers or social workers) who had any reservations concerning the principles that govern the measure. Their actions are thus defined by an ethic of making people take responsibility, which considers that the mission of socio-judicial work is to permit delinquents to understand the gravity of their deviant behaviour to transform the criminal sanction into self-discipline. And whether this is a matter of repairing harm to an ego, a victim or a community, all adhere to a vision of the penal treatment of delinquency that seeks to guarantee order through subjective transformation.

Guilt

The employment of this responsibility ethic is accompanied by the implementation of evaluation mechanisms that are supposed to streamline the work of the judicial system, capable of monitoring the activity produced. The authorities thus have a particular interest in indicators of the expected subjective transformations. Work that has “succeeded” or an educational mission...
that is “completed” amount to more than simply being given a caution or being taken into social or psychological care. They must also produce the desired signs of renunciation (of a former self) or adherence (to the dominant norms), the evidence for which the authorities look for in disciplined sentiments. The process of instilling a sense of responsibility must lead the minor to an “awareness” that, by marking a before and after the educational work, seems to be a pivotal moment justifying the supervision. The education workers thus seek to verify the effects of their actions by evaluating the subjective transformations via emotions. The magistrates are then responsible for assessing the sincerity of the changes and substance of their potentiality in comparison to the offence committed. Changing is not in itself enough, it must also produce an internal upheaval that is sufficient to mitigate the seriousness of the offence. Thus, the sincerity and depth of “awareness of wrongdoing” are invested with a redemptive power, whose emotional mark must be found within the children.

The shame “switch”

For the professionals in the PJJ first and foremost, the quality of their educational work is assessed implicitly in terms of its ability to produce “something in the youth,” an expected “switch” that would justify the action taken. Certainly, this development is not always achieved nor even observed, but the socio-judicial workers can minimize their role in the case of failure. Thus, for example, if a minor shows no signs of willingness, most officials explain “that it takes time,” that “some kids resist,” “that they can’t help everyone.” Conversely, if they observe, or provide supposed indicators of their work for others to see (their managers, children’s judges, etc.) this is evidence of their work, justifies the educational support, increases their standing as “competent” professionals and absolves them of responsibility for re-offending.

This process is the result of a rationalization of an official requirement. Thus, again with reference to the reparation measure, for example, the law requires a report be made to the children’s judge in charge of overseeing the execution of the measure. The education workers compiled a questionnaire on the visits they organized to the museum from the Villiers-sur-Oise UEMO, which they distributed to the minors at the end of their visit and which allowed them to facilitate the written work for sending to the magistrate. I acquired the responses given by Laetitia during an earlier visit.

Here are some questions to help you write your written work for your referring magistrate. Please … send it to the competent magistrate and bring it to our next interview:

(21) According to the 1945 edict, the children’s judge “shall exercise the functions of the juge de l’application des peines [the judge responsible for overseeing the terms and conditions of an offender’s sentence] according to the criminal code and code of criminal procedure” (art. 20-9).

(22) The syntax, spelling and grammar were reproduced in the original French article and have been translated here as faithfully as possible.
1) What is a Criminal Reparation measure? What is it for?
A criminal reparation measure is an outing that shows us and explains to us that the law is not made for children (minors) and not to repeat crimes or something else.

2) When and how did you carry out your reparation measure?
The reparation measure was carried out in a museum in Savigny-sur-Orge (91) in a museum and also I enjoyed it.

3) What did you learn during your visit?
During this visit I learned a lot of things for example: children used to be in houses of correction it’s like a prison.

4) What did you get out of it?
What I got out of it is that I enjoyed it and that it was sad.

5) In your own words tell us about the offences that you were charged with, relating them to the Criminal Reparation Measure carried out.
At the time, the young children when they stole they went to a house of correction. But now children who steal do a criminal reparation measure.

The form seeks to capture what effects the visit has on the minor, who struggles to meet the demands placed on her. “I enjoyed it” shows a partial match between Laetitia’s views and what was expected of her, in part due to the difficulties this young girl had with writing a well-developed response to an abstract question. Above all, the form is constructed to invite the minor to show an inner transformation. Questions 4 and 5 are of a personal character (“you get out of this,” “in your own words,” etc.) and seek to grasp the indicators of the expected subjective development. The search for the “switch,” for “awareness of wrongdoing” here relates to reviewing the delinquent behaviour (“the offences that you were charged with”), which it is hoped will provide a path towards self-transformation.

Looking beyond the museum visit, we find the concrete effects of a philosophy of justice that bestows a revelatory power on shame, seen as a sentiment that is potentially conducive to “social reintegration.” This principle was theorized at the end of the 1980s as “reintegrative shaming theory—RST” by advocates of restorative justice. Developed by the Australian criminologist John Braithwaite (1989), RST distinguishes between shame that is detrimental for the reintegration of offenders, reinforcing exclusion and segregation (stigmatic shaming), and beneficial shame that is able to elicit a revelation that (re)integration is possible, limiting recidivism by reintegrating delinquents into a firm but magnanimous community (reintegrative shaming).

For Braithwaite, “stigmatic shaming” is particularly widespread in traditional—retributive or rehabilitative—forms of justice focused on sentencing or the offender’s character. He contrasts this with “reintegrative shaming” based on the delinquent’s behaviour more than the delinquent himself, whose superior corrective ability would be made possible by the maintenance—indeed restoration—of bonds between the delinquent and his environment. By focussing on a specific act rather than the person who commits it, RST means to correct an action more than the actor. The shame in RST can be thought of as more like a shame of behaviour rather than a shame of self.

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Given Braithwaite’s explicit claims for restorative justice, it is not surprising that RST is founded on similar principles: a liberal vision of the law, promotion of community-based treatment of delinquency, a dichotomy between behaviour and the individual, personalization of punishment, negation of the social context within which the delinquent act takes place, etc.

In the wake of Braithwaite’s contribution, sociological and criminological research has sought to assess the relevance of shame for the process of social reintegration (principally in English-speaking countries). And many studies have sought to test the effectiveness of RST in terms of its impact on recidivism or integration (Tittle, Bratton and Gertz 2003; Morrison 2006; Schaible and Hughes 2011). The results obtained tend to validate the approach, even though some studies have highlighted the fact that RST does not prevent stigmatization, contrary to its initial ambition (Harris 2006). However, few studies are specifically interested in interactions during the course of restorative justice (Kenney and Clairmont 2009) or the way in which shame is produced. Similarly, to my knowledge there is no sociological analysis looking into the context in which these interactions are produced, the legal culture in which they are situated, or the relationship with the community that they imply. Thus, it is as if there is a consensus that shame is educative when it relates to acts committed, the expert literature focussing less on production of this implicit fact and its implementation than on the evaluation of its effects.

Emotions can thus serve as a means of making amends or redemption, revealing and producing a transformation. But shame is not always linked to past behaviour. Thus, for example, being ashamed in court or when faced with an education worker not for what one has done, but for who one is (one’s origins, accent, language, dress, class, sexuality, colour, etc.) does not give rise to a recognition of an offence, and therefore of guilt. It is more similar to a damaged ego, which is precisely what the education worker seeks to reconstruct. The socio-judicial work then is a delicate one since it must incite shame concerning behaviour without encouraging self-shame … Thus, the officials’ mission is to foster the emergence of a subject who is conscious of the gravity of their wrongdoing (responsibility) and shows remorse for past behaviour (guilt), but who is able to build themselves up as someone who has value. Therefore, it is not surprising that professionals never champion shame in itself: it is too ambivalent and it jeopardizes the educational work that they seek to develop. (23) On the

(23) The opposition between the common meanings of responsibility (valued) and guilt (rejected) is found especially in the psychological discourse that permeated the current training of education workers and tends to distinguish guilt as “discovering oneself” and responsibility as “discovering others.” The discovery of a constructive alterity opposes the pathogenic process of withdrawal. Thus, for example, for the psychologist Maryse Vaillant: “Offering reparation does not seek to confine someone to a morose delight in its harmfulness, but instead, open up another —positive—domain, where he can look himself in the mirror without losing face and without having to protect himself from pain. It is based in the process of showing responsibility, in the conviction that everyone should answer for his actions, and that he is capable of doing so. While guilt permits one to discover oneself, responsibility allows one to discover others. But, in adolescence, one discovers oneself better through others.” (1999: 56).
rare occasions that I was able to broach this question on these terms, I was met with incomprehension or an exteriority. However, while the term is rejected, its marks are systematically presented as proof of a “measure that is working well.” Talking is valued as proof of promising “progress.” (24) Thus, for example “the kids are often in denial” and “are not aware of what they’ve done,” but when “they know how to listen” they “gradually succeed in putting it into words.” Of course, they should not be coerced or incited, but “the youth should be supported in his development.” This support presupposes “compliance”—an ambiguous sign resulting from an ability of the education worker (knowing how to encourage interest and confidence) and a quality in the minor (ability to take the opportunity offered). For the institution, this intricacy enables it to deal with any failures of the justice measure without questioning the quality of those in charge of applying it. Thus, for example, during my observations at Villiers-sur-Oise, a significant proportion of meetings between education workers and minors and/or their families were not respected. Despite repeated reminders by telephone, it was difficult to get adolescents to come to UEMO offices, whatever measure was imposed on them (reparation, probation, conditional discharge). Questioned about these absences, the education workers explained to me that “that [they] weren’t going to send a note to the judge every time a kid didn’t [come] to an appointment,” and that in any case “it happens all the time.” And while most minors present themselves to the authorities and cooperate in their supervision—albeit intermittently—, the education workers fear “those who slip through the net … over whom we have no control.” The same goes for responsibility for these youths who do “not know how to take advantage” of “what is made available to them” or for “the institution, which does not provide [them] the means to succeed in their mission;” the comparative merits of education workers are constantly discussed by their peers but beyond the gaze of those outside of the profession.

(Self-)apologizing

Looking for signs of an individual transformation in the sentiments of minors cannot be reduced to an interrogation by the judicial authorities at the discursive or emotional level. On the contrary, some minor defendants take on board this prerequisite and provide the authorities with the desired attitudes, notably by apologizing and expressing regret during court hearings. In October 2010, I accompanied two education workers from Villiers-sur-Oise to the children’s court of the Prefecture. They were supervising two minors—Julien and Kani—who were to be tried in the same case. They were heard in the afternoon. The judges, flanked by two sleepy assessors, attempted

(24) The importance given to the word and the continued use of secularized religious terms, relates back to the Christian confession as a condition of redemption. On making confessions, see especially Foucault (2008) and Zigon (2010).
to get to the bottom of an incredible story. When riding his motorbike one evening in Villiers-sur-Oise, Kani’s half brother was hit by a car. He was not hurt, but his vehicle was wrecked. When the police arrived at the scene of the accident, they found the car driver (Louis Martin) perched on the roof of a house, complaining of having been kidnapped and assaulted. He explained that three youths—two minors (Kani and Julien) and an adult—had arrived in a Ford Fiesta a few minutes after the accident having been alerted by the motorbike rider. They threatened and hit Louis Martin and forced him into a car. All five of them drove to the victim’s uncle’s, who was forced by threats to his nephew and from the kidnappers to open his apartment door. A laptop was stolen. When they left the apartment, Julien, Kani, his half brother and the adult who was accompanying them forced Louis Martin to drive around with them for a kilometre while threatening him, before releasing him a stone’s throw away from the initial accident. Once he was freed he took flight and sought refuge on the roof of a house where he was found by the police. He and his uncle filed a complaint. While in custody, the minors acknowledged many of the accusations against them, including the blows to Louis Martin, the theft of the computer and its resale. Kani and Julien were supervised by the Villiers-sur-Oise education workers and were to be tried for violence, kidnapping lasting less than 7 days and theft.

After having presented the facts, the judge turned towards Kani, stood before the court, and asked him:

Judge: What do you acknowledge?
Kani: I apologize to the victim.
Judge: Err ... Which one?
Kani: For the theft [he is talking about Louis Martin’s uncle]
Judge: But what about the car ride and everything?
Kani: I was on edge. What I’m saying is that Louis Martin was OK with this friendly arrangement and that’s why we went to see his uncle.
Judge: Amicably? The four of you? But he must have been afraid mustn’t he?
Kani: But when I punched him I said sorry afterwards.
Judge: But don’t you understand, when there’s a traffic accident there are rules to follow ... Do you think he could have said no?
Kani: Yes ...
Judge: And the theft from the other person?
Kani: I was on edge, madam.

The judge then attempted to get to the bottom of other tricky details of the case before asking the education workers from the service to speak. They presented the work they had accomplished with the minors. José spoke first to introduce Kani:

Kani now works in a garage, he wants to learn to be a mechanic. ... At the time of the events [the car accident], Kani had a lot of difficulties. He spoke little. But after the first hearing there seemed to be a change. It was easier to work with him. He is capable of surrounding himself with good people; he knows how to do some things. He has told me personally that he is aware of what he has done.
The education worker then pointed out that Kani had done a citizenship course in 2007 in the context of a previous measure. The judge interrupts:

What’s strange is that it has been a long time since you were last here pleading your case in a criminal matter and then you resurface facing very serious charges. ... And what’s more, it’s the worst kind of crime that you hear about in the banlieues. This law outside of society’s law. ... And at the same time, [you are someone] who knows a lot about the services available in the banlieue and how to access them [here she mentions the support services for returning to employment].

The judge then turned to Kani’s father, who was present in the room. He was employed by the SNCF [French national railways], where he worked on track maintenance. He explains:

Father: I would like to say that I’m completely shocked, I’m ashamed. I came here in 1973, I know the law, I drive, I know the rules. I’m sorry.
Judge: And Kani?
Father: He has completely changed.

It was then Alain’s turn to speak, to talk about Julien:

At the beginning of the measure I came across a youth who was enrolled in school but who did not attend [a lycée professionnel (a vocational training secondary school/high school) in a neighbouring town]. Julien was not able to return to school. When he was around seventeen-and-a-half/eighteen he connected with X [a local association], a community centre and an employment hub. He has tried several avenues—locksmith, heating engineer, plumber—but these went nowhere. But he did work for the whole of August in his mother’s cleaning company and is now working towards his bac pro maintenance [professional baccalaureate in mechanics]. ... But really like many youths, they don’t do anything. He has completed his reparation measure [two days at Secours Populaire] and he and his parents have always responded to summonses.

Julien gets out a payslip to show to her honour the judge. Julien’s father intercedes:

I completely agree with the education worker. I congratulate him, he has done a great job. ... Because it’s 25 years since I came here, and I work from five in the morning until nine o’clock at night. And Julien has changed a lot.

The trial continued with a summing-up by the prosecution. According to the prosecution “these are very serious offences.” “People that want to take the law into their own hands” cannot be tolerated, “[it is] unacceptable.” The public prosecutor pointed out that the minimum sentence for the two minors would be eighteen months imprisonment, but, “taking into account the personal details and details of reintegration, it should be ruled out.” Consequently, she asked for a five-month suspended sentence with probation. It was then the defence lawyer’s turn. She asked that they be acquitted on the charge of kidnapping, because, according to her, there was too much uncertainty in the case. She insisted on the quality of the reintegration process and reminded the court that “the education workers have told us that these are very nice young men, who are doing something.” The court retired to deliberate. It would later acquit. On coming out of the high court, Kani was relieved, his father overjoyed. He turned to José, slapped him on the back and said to him: “That’s good, that’s really good, that judge likes children, you always have to help children. It’s really good.” The family went home amid cries of joy and
Kani was congratulated. With an ironic smile, José turned to me: “There were some who were really lucky today, perhaps the judge was a bit tired.”

The rationales that are frequently encountered during observations of trials can be found in this episode. Among them, two points seem particularly significant: the apologies offered by Kani and his insistence, as well as his supporters’ (parents, education workers, etc.) and the magistrates’, that they should seek to prove or assess the “change” he would have been the object of. During the trial, the apologies offered might have surprised those present. Certainly all expected them; but expressing them alone is not sufficient. They must be expressed “sincerely,” testifying as such to a welcome repentance. Indeed, making apologies only makes them partially complete; they also have to be accepted, not only by those they are addressed to, but also by the magistrates. There are various anticipated indicators of this sincerity. Firstly, they must come from the minor alone. While, as expressed by Bilel in a previous interview, “the victims expect to receive them [apologies]; even so it seems important to me,” all the education workers are agreed in saying “that [they] [have] never asked a minor to apologize.” But, without seeking to teach a view to minors of whom they are in their charge, they “work” to elicit repentance, by “revisiting the act” and/or “verbalizing” it. It is known that a formal apology is expected, as Kani’s education worker later explained to me: “They [the minors] are well aware of how it goes … it circulates between them in the cités. They know the judges. They know what they should say.” So the apologies must seem honest, the contrition true. This is certainly not always the case and the degree of truthfulness influences the inner conviction [intime conviction] of magistrates. In the extract presented, the boy’s apologies proved to have been given too promptly, too eagerly and were misdirected. They might have cast doubt on the defendants’ case. But this clumsiness was not considered to be damning. Reinforced by the speeches from parents and supervisors that followed, the words certainly influenced the final decision, implicitly validating the pre-sentence socio-judicial work and justifying the acquittal.

In the case presented, and likewise in a number of other cases observed, the minor’s punishment is also assessed in terms of his ability to “change.” The search for proof is displaced; establishing the honesty of persons is added to establishing the veracity of the accusations. While magistrates are sensitive to objective indicators of integration (employment contracts, returning to education, training, etc.), they also look to understand the way in which the minor “becomes aware of his behaviour.” The disciplinary process takes place within the institutional framework that gives it meaning: Julien’s standing, for example, is enhanced because he “always responded to summonses” with his parents. But beyond these formal proofs, the interiority of children is also probed. While Kani, “at the time of the events …, spoke little” he now knows how to put things into words. Neither punishment, nor monitoring, the education process is valued for its ability to correct in a way that is perceived as beneficial for the minor as well as society. To be regarded as “successful,” the socio-judicial work should thus resemble a long process of self-control (time
for “reflection,” revisiting past actions, etc.), leading to the verbalizing of apologies and remorse. The words elicited must emerge during a limited timescale (neither too soon, nor too late) and be directed to attesting to the developments expected by the institution. The discipline that is exerted seeks to make the minors consent to testifying to an internal transformation; showing remorse is revealed to be a condition for a pardon; this is truly “governing through speech” (Mimi 2003a, 2003b). In practice, the accused understand this requirement. Thus, for example, hesitating between obedience and cooperation, Kani’s father constantly insisted on the change in his son, with at times the vital support of the referent education worker. The evidence required by the law is anticipated and transformed; it is less the criminal culpability of the minor that is in question than an assessment of his possible redemption. Therefore, it is not surprising that the emphasis given to indicators should be turned on its head here: work or school appear less as potential places for training and normativity, than as spaces for engagement resulting from a subjective change. And everything happens as if it was the change that makes integration possible rather than integration making the transformation possible.

Therefore, though not reducing it to just this, the court’s judgement also seems to be a stage where the accused is called upon to demonstrate, though the appropriate sentiments, an inner transformation, the sincerity of which must be assessed. This expectation takes a variety of forms: beyond determining the capacity for “change” (and to proving it), magistrates expect to assess both the ability of a minor to “integrate himself” and the reduction in the probability of recidivism or the effectiveness of legal monitoring. As for the education workers and other professionals involved in the management of delinquency, it is in the testimony (genuine if possible) of a subjective transformation that they seek to find indicators of their work and even the meaning of their actions. But while forms may vary, the rationale remains the same: it is through the disciplining of emotions that the judicial institution justifies itself and carries out its work, establishing self-transformation as a professional priority.

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For fifteen years, a series of public debates, laws and reports has attempted to change the rehabilitative specificity of the justice system for minors by encouraging the increased criminalization of juvenile delinquency: e.g., Lois Perben I and II, Loi d’Orientation et de Programmation pour la Performance de la Sécurité Intérieure (LOPPSI), Varinard report on the justice system for minors, Bockel report on the prevention of juvenile delinquency, the penal code for minors project, etc. This security dynamic undermines the specificity of the justice system for minors (Bailleau 2008). It is based on a wider process that emphasizes a repressive treatment of delinquency. Some authors, linking these criminalization processes to evolving social issues, denounce
this punitive turn that characterizes a progression from a welfare state model to a penal state model (Christie [1993] 2003; Garland 2001; Mauer and Chesney-Lind 2002; Wacquant 2009). They link the new importance devoted to incarceration to the spread of economic neoliberalism in the English-speaking world, and more specifically in North America. But these analyses, which are often based on discursive and or quantitative studies, have sometimes neglected to study disciplinary practices and could be made more nuanced by using more localized approaches, attentive to concrete forms of supervision.

The moral economy of the treatment of juvenile delinquency thus shows that subjective transformations are considered to be indicators (and sometimes proof) of successful socio-judicial work. In addition to disciplining behaviours (knowing how to behave, meeting schedules, codes of conduct, hygiene regulations, adopting the expected hexis, etc.), an analysis of socio-judicial work reveals the importance devoted to disciplining emotion (knowing how to sympathize, to feel, to “understand,” encourage expression, develop empathy, express remorse, be sincere, etc.). To educate is also to govern interiority. The minor must be subjugated by imposing a framework of intervention on him, and his submission be marked by the—physical and symbolic—constraining force of the justice system. But he must also be educated, transformed, and have the ability inculcated in him to become independent and to become the subject of his own existence. This process disciplines the body as well as sentiments. Making someone accept responsibility—as a change in relationships with others—and admit guilt—as a change in the relationship to self—are thus akin to a form of government of affects that seeks to make them “good” at feeling and to demonstrate this.

By revealing the emotions, values and norms that permeate socio-judicial work, the moral economy of juvenile delinquency reveals educational supervision to be a government practice linking subjugation and subjectification. For minors, accepting this supervision, conforming to it having previously resisted it, means recognizing the superior power of the state. But it also means accepting to be lead towards a way of being that is considered to attest to rediscovered future potential. The offence is not definitive; it can be corrected if the minor accepts the meaning of the transformation imposed. Responsibility and guilt are thus considered to be the necessary conditions for reintegration and for being forgiven that the socio-judicial work seeks to bring about. Therefore, minors are expected to feel the desired emotions and to express these in an adequate way, testifying (simultaneously) to an awareness and to the validity of the work undertaken, and thus its possible ends. Therefore, the criminalization of juvenile delinquency is not necessarily expressed by a reinforcement of punishments and coercive mechanisms. If it exists, this evolution is nuanced by lighter supervision in which violence is euphemized, and which looks for emotional traces of progressive normalization in an individual subjectivity. These forms of supervision profoundly transform the way in which delinquency is perceived, by individualizing, pathologizing and even dehumanizing minors who do not feel the desired
sentiments, thereby justifying putting into place enforcement measures that no longer correct behaviour but instead correct people.

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