

Standing Tall (*La Tête Haute*, 2015, Emmanuelle Bercot director)

Dr. Marie-Luce Paris, UCD, 2016

La Tête Haute is a French drama movie mainly focused on the life of troubled teenager Malony Ferrandot (Rod Paradot). The opening scene is poignant and takes place in the office of juvenile judge, Florence Blaque (a very convincing Catherine Deneuve), who reminds Malony's very young mother, Séverine Ferrandot (Sara Forrestier), of her obligations regarding the upbringing of her sons (Malony is then aged 6 years old and his younger brother is just a baby). Overwhelmed, the indigent mother, who is also a severe drug-addict, just storms out of the judge's office abandoning Malony to the care of the social services for most of his early childhood as a result.

Years go by and Malony has become out of control. Judge Blaque decides that he will be supervised by experienced social worker Yann (Benoît Magimel). Yann then sends Malony into a rehabilitation and education centre for young offenders in the hope that it will help Malony to get out of the spiral of violence and abusive behaviour he has become entrapped in. Malony keeps his head down most of the time and goes around with his shoulders humped wearing a hoodie that he typically wears with the hood on – which the judge and social workers ask him, also typically, to take off on several occasions! Malony's education is in limbo and he does not seem to be able to control his angry outbursts. The movie then cleverly alternates tensed scenes of despair in indoors settings (whether in the office of the judge, or in prison in a particularly violent scene) with more positive outdoors scenes in more 'normal' settings (the educative centre is an open centre located in a beautiful countryside). Both judge Blaque and Yann make every effort they possibly can to help Malony to get his education and life back on track. Will they succeed? In the final scene, Malony comes out of the *palais de justice* where he has bid his farewell to retiring judge Blaque, standing tall with his newborn in his arms...

Critics and acclaims

Critics on the film were mostly excellent. The film was selected to open the 2015 Cannes Festival and received eight nominations and won two *Césars* awards,¹ Best Supporting Actor for Magimel and Most Promising Actor for Paradot. However, some critics were also very harsh accusing the director to be too optimistic in her portrayal of social poverty and young delinquency in particular. The ending appears too good to be true to some! Other critics said that Malony is in fact an exceptionally dislikeable character who systematically refuses helping hands thus leaving the viewer wondering why Malony should deserve all the time and effort spent by these two amazing individuals working in the juvenile criminal justice system (which is indeed a bit unrealistic).

Rod Paradot, who plays Malony, stands out in the film and rightfully won an award for his very powerful portrayal of a rebellious but very attaching delinquent. His presence instills tension and fear, but also shows the vulnerability of the young boy on his journey to adulthood and autonomy. One scene is particularly moving when he is seen crying in his prison cell asking for his 'mummy' while also capable – as seen moment before – of (stealing and) driving a car at high speed and without a driving license. Like the young boy in *Central Station*, Rod was not a professional actor and just took his chance when his student advisor encouraged him to audition for the part – he thanked her in his speech at the *Césars* ceremony! Concerned about avoiding any kind of cliché, Bercot wanted her leading character not to be the typical delinquent figure, that is not from an immigrant background, not someone with a drug problem (Malony smokes but does not apparently take drugs even if his mother is an avid user in their home) or member of a gang. The other challenge was to find someone who could plausibly look like a 13 year old (mid-movie) and a 17 year old (at the end of the movie).

¹ The *Césars* award is the French national film award and is delivered at the *Nuit des Césars* ceremony in February/March annually. Established in 1976, it was sought to create a French equivalent to the American Oscars.

Benoît Magimel is a very well-known actor in France and was a child actor himself (Life is a Long Quiet River, 1988, Etienne Chatiliez director).

Depardieu was considered for the role of the judge as Bercot was looking for a major male movie star. It is fortunate that Deneuve was chosen instead! Bercot changed her mind about the gender of this leading character after an anecdote: her uncle (see below) had said to a female judge he was working with about an orphan boy that they were both supervising: 'For him [the boy], you represent his mother and I am his father' – to what the judge retorted: 'No, you are the mother and I am the father'. Bercot was then definitely convinced that the judge should be a female!

Emmanuelle Bercot, the director

Bercot is one of the few female film directors in French cinema. She is also a reputed actress and screenwriter. For Standing Tall, she was directly inspired by the experience of her uncle who was in charge of a rehabilitation centre for young delinquents in the Brittany region. She became fascinated by the behaviour of these youngsters and their refusal of any authority. She tried to understand their frustrations but also, as a necessary complementary reflection on the issue, to understand the dedication of her uncle towards these youngsters most of whom seemed like 'a lost cause' to her. She was so moved by her experience that she once considered becoming a juvenile judge herself.

Minor delinquents and the judicial system for juveniles

One of the most interesting aspects of the film is the overview it offers of the French juvenile justice system to which many parallels can be drawn with the Irish system. Through Malony's ups and downs (mostly downs), the viewer is exposed to the working interaction between prison officers, social workers, and the whole judicial services (judges, prosecutors, counsels).

The issue of youth delinquency has reached an alarming degree of gravity in France. Many young criminals – mostly males but with an increasing high

proportion of females – are involved in drugs, gangs, or now answering the call for jihadism as another way to express their anger, their frustration with the 'system', their trouble with their identity, or their idleness and boredom (often caused by the fact that they have been expelled from the mainstream education system). This is as much an individual as much as a global issue, as shown by several recent rioting episodes involving gangs of youngsters directly confronting police forces with an incredible violence (see most recently [Police Officers Injured in Fire Bomb Attack in Paris Suburb](#)).

The modern French system of juvenile justice has its origin in a post-war legislation ([Ordinance of 2 February 1945](#)) which established its foundations. One core principle of criminal liability of minors is that there is no minimum age limit and any minor of sound judgment or discernment can be held liable for a criminal offence (see Article 122-8 Criminal Code). Only the sentence will be adapted to the fact that the offender is a minor.

The whole system has now become quite complex due to the many changes of orientation between repression and rehabilitation/education depending on the political majority of the time. One interesting aspect of the film is that it offers some insights into the working of different kinds of juvenile institutions. There are three types of such institutions in France. The *Centres Educatifs Renforcés* (CER) or Reinforced Education Centres are aimed at re-offending delinquents who are in great difficulty or already marginalised. The aim is a short placement (4 to 5 months) with three goals: to ensure that the youngster breaks with his previously toxic environment, to ensure that s/he is rehabilitated, and redirected towards education and socialisation. The constant presence of social workers putting a high pressure on detainees urging them to achieve specific tasks – even if it is going to a relaxing massage class to manage some anger issues like in the movie (one quite comic scene)! – is a key point of these centres. The *Centres Educatif Fermés* (CEF) or Closed Educative Centres represent an alternative to prison. Established by [Law on Justice Orientation and Programmation of 9 September 2002](#), these centers allow for 8 to 12 young offenders to be placed by the relevant judicial authority after a final criminal conviction and after all other educative measures have failed. They are 'closed' in the sense

that, should the detainee violates one of the centre's rules, s/he will be sent to prison and incarcerated for the duration of his original conviction. The *Etablissements Pénitentiaires pour Mineurs* (EPM) or Penitentiaries for Minors were established by the same 2002 law as, for the first time in France, stand-alone prisons aimed at this vulnerable category of the penitentiary population (young offenders between 13 and 18 years old). Seven of them opened in 2007-08 in various French cities aiming at replacing the special quarters in main prisons where minors used to be detained. However, these EPMs have been heavily criticised from the start for various reasons; not only for the financial burden that they represent as creating additional structures, but also for their raison d'être. They have been perceived as in fact re-establishing the very unpopular prisons for minors, so-called '*bagnes pour enfants*' (the most well-known being the one located on the island of Belle-Ile). These had been closed during 1970s due to popular pressure (a bit like the Magdalene Laundries here) due to issues of torture and inhuman and degrading treatment. The current system also faces pressure as the suicide rate in these institutions has been a recurring concern.

Many interesting parallels can be made with the Irish Youth Justice system. However, this is not the object of this short note. Just a couple of observations. The Irish system operates as part of the Department of Children and Youth Affairs since 2012. Contrary to French Law, there is a minimum age for criminal liability in Irish law; children who have not reached the age of 12 years cannot be charged with an offence, with the exception of youngsters aged 10 or 11 who can be charged with murder, manslaughter, rape or aggravated sexual assault. Like in France, Ireland provides for special facilities for convicted minors in three detention schools located in Oberstown, Lusk, Co. Dublin. Similarly to French rehabilitation centres, these schools aim at providing education and training in order to reintegrate the child into society.

The issue of choice and taking responsibility for one's choice

Private life and the judicial system

The issue of choice – notably the choice of 'taking the helping hand that is offered to you...now' (Deneuve) – is ever present in the film. First, the issue of choice is very pregnant when put into perspective with the intrusion of the judicial system in the private life of a family when this family is not capable to care for itself (in this case, the young mother unable to care for her sons and for herself: see the scene where she says that raising kids is hard work!!!). This reflection about conciling the action of the criminal justice system and the life's choices of vulnerable individuals is interestingly dealt with by Bercot through the medium of the judge (a juvenile judge sits as a single judge). Judge Blaque is portrayed as a very human and sensitive person but is also, as a professional, capable of showing great severity and firmness in her judicial decisions. Judge Blaque does not hesitate to send Malony to prison; she also makes him understand that, despite their undeniable special bond, he is not her only 'case' and that she deals with many more...

Abortion

The film shows a moving-embarrassing moment when Malony has his first sexual experience with a girl, the daughter of one of the social workers in the centre who happens to have taken him under her wing. Tess (Diane Rouxel) is a very sensitive and masculine teenager at the same time. She teaches Malony that there is another way to behave than in a violent way.

As another choice-related issue, the abortion decided by Tess and her mother (as Tess is still a minor) is evoked in a non-controversial but powerful way. This is Malony who, learning that Tess is about to undergo the operation, escapes from the centre, rushes to the hospital and decides to 'stop it all!'. The issue might have been different if Tess had been left on her own, but at least she was offered the choice.

The issue of abortion is non-controversial to an extent under French law. It was legalised in 1976 after the enactment of [Law on The Voluntary Interruption of Pregnancy of 17 January 1975](#). Health Minister under Giscard

d'Estaing presidency, Simone Veil promoted the law and is remembered in France for her courage to advance women's legal rights, not just regarding abortion. Ms Veil is an Holocaust survivor and is one of the most admirable women of modern times. Her addresses during parliamentary debates on abortion are worth watching: *'Aucune femme ne recourt de gaieté de cœur à l'avortement (...) c'est toujours un drame et cela restera toujours un drame'* (No woman resorts to abortion with a light heart (...) It is always a tragedy and will stay so [even if legislation is passed]) (see Simone Veil, [National Assembly Debates](#), 26 November 1974).

Abortion was a capital crime for a long time in France which, as a mainly catholic country, saw it as sin. After World War II, women would flee to the UK where abortion had been legalised some ten years before France did (in 1967). Also, during and right after WWII, a number of women raped by German soldiers during the war sought to escape the stigma of raising the child of the enemy by seeking abortion at all cost.

Abortion is now legal up to 12 weeks after conception. Abortion at later stages of pregnancy is allowed if two physicians certify that the abortion will be done to prevent grave permanent injury to the physical or mental health of the pregnant woman; a risk to the life of the pregnant woman; or that the child will suffer from a particularly severe illness recognised as incurable. The centre of attention in French law is the woman. However, access to abortion is still closely monitored by the government and a series of amendments have made sure to further facilitate access to this right. French social security takes charge of the entire cost of abortion as well as ancillary medical acts (consultations, medical examinations, ultrasounds, and post-abortion acts). A 2014 law suppressed the notion of 'distress' to justify an abortion. A 2016 law has abrogated the 'cooling off' period of seven days originally planned between the two medical visits. As of October 2016, a current proposal is being discussed about the creation of a new crime of obstruction (*délit d'entrave*) against Internet providers which allegedly divulge false or misleading information about abortion (see [La Croix newspaper, 28 September 2016](#)).

The importance of education

The importance of education is very much emphasised in the film, whether it is about academic (Malony's numerous attempts to write a structured letter without spelling mistakes) or manual/professional education (the young lads working as carpenters in the centre) or civic education (Malony told to respect the solemnity and formality of the court system and its actors). One particular sentence found by Bercot during her research for the film serves here as a nice conclusion: *'L'éducation est un droit fondamental. Il doit être assuré par la famille et si elle n'y parvient pas, il revient à la société de l'assumer'* (Education is a fundamental right ; respect for this right must be ensured by the family and, if it cannot, society has to make sure that it is protected (in J-P Rosenczweig and O Mazerolle, *Baffer n'est pas juger : La justice des mineurs* [Slapping is not Judging: The Justice of Minors], Plon 2007).

* All translations are mine.