

## SOME ASPECTS OF VIOLENCE IN SOCIAL RELATIONS DELIBERATE ASSAULT AND BATTERY ENTAILING INCAPACITY TO WORK TRIED BY A PARIS AREA *CORRECTIONNEL* COURT IN THE YEAR 2000

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The theme of "violence" now occupies a central place in French society, both as fear, as complaint, and as a controversial subject and the object of public policies. In the context of a disenchanted world, lost credibility of the elites, precarious living conditions for a growing fringe of the population, the development of a process of ghettoization and the decline of any solidarity other than within families, the future has become uncertain and for many people, frightening. Consequently, it is hardly surprising to hear one fraction of the population, encouraged by media sensationalism and political demagoguery, express strong feelings of insecurity which go far behind their (personal or family) experience of victimization, for one thing, and for another, which they developed before some forms of violence came into existence<sup>1</sup>.

Researchers at the CESDIP use a variety of methods to scrutinize the reality of violent behavior and its evolution over time. Victimization surveys, questioning representative samples of the population, are as close as we can come to this reality, and they enable us to encounter victims who do not file complaints and therefore elude police and judicial statistics. At the same time, we can continue to work on those institutional sources; although they are not representative, they do provide additional information on identified, prosecuted offenders, their relations with their victims and the motivations for and precise circumstances surrounding one portion of violent acts. Following our studies on murder and gang rape<sup>2</sup>, the present paper discusses the preliminary findings of a study of 256 cases of misdemeanors involving deliberate assault and battery (DAB) entailing a total incapacity to work (TIW) that occurred between 1997 and 2000 and were judged during the year 2000 by a *correctionnel* court<sup>3</sup> in the Paris area. The present work, examining these misdemeanors, sets us halfway between felonious cases (murder, attempted murder, assault and battery entailing unintended death, sexual crimes) on the one hand, and less serious violence (verbal violence, fighting not entailing any TIW) defined as petty offenses, on the other hand. The idea, then, is to observe some aspects of what may be called "middle-level" violence. The four limits to our interpretation must be clearly stated. Firstly, by definition, only those cases detected by the police and the *gendarmes* are taken before the justice system<sup>4</sup>. Secondly, close to one half (48.7%) of people sentenced in 2000 already had a criminal record, suggesting that, given the importance of the criterion of recidivism in all police and judicial decisions, part of the population surveyed may perhaps

constitute a "penal clientele"<sup>5</sup>. Thirdly, violence may also be associated with thefts (for which it constitutes an aggravating circumstance), and not be included in our survey<sup>6</sup>. Fourthly, we must keep in mind that when we first investigated the most serious cases of violence (in line with our research on felonies) the criterion of the existence of a TIW led us to select some of these DAB misdemeanor cases.

### Description of the survey and representativeness of our sample

In 2000, French courts tried 51,550 DAB misdemeanors, 30% of which had entailed a TIW of more than 8 days. These trials led to the pronouncing of 41,953 convictions including 75.4% to imprisonment (mostly totally suspended), slightly over 10% to fines, close to 6% to alternative sentences, the same number to educational measures and the rest exempted from penalty. Nearly 93% of the individuals convicted were men: about 11% were juveniles; 83.3% were French citizens.

Our survey population is composed of 256 cases of DAB judged exclusively or as the main or only offense by a court in the Paris area in 2000 and consultable in the archives (16 records could not be found), involving 312 offenders and 321 victims (38% of whom had a TIW of more than 8 days). The sample group was entirely composed of adults. Sex and age distributions are comparable to those found in national statistics for the same year. There was a high proportion of aliens among those convicted (23.5%), but it is a known fact that aliens are particularly concentrated in the Paris area (the 1999 census shows 35% of them live there as compared to only 15% of the French nationals). Our survey population is therefore comparable to national figures with respect to the three judicial statistical criteria (sex, age and nationality).

During the year 2004 we first developed guidelines enabling us to do our own collection and coding of the information on prosecuted offenders and victims, the facts and penal decisions and then analyzed the totality of those records, with the help of two students from the University of Versailles-Saint-Quentin-en-Yvelines (Florence Dufée and Laurence Giovannoni). The present paper contains the preliminary results of that work.

### I - Comparative Characteristics of Convicted Offenders and Victims

As in our research on criminal violence, offenders and victims both show three overall features: a very uneven sex

<sup>1</sup> ROBERT Ph., 2002, *L'insécurité en France*, Paris, La Découverte, 25.

<sup>2</sup> See *Penal Issues*, 2002, 1, 1-4 ; 2005, 1, 1-4.

<sup>3</sup> French law divides offences into three categories, on the basis of increasing seriousness :

- *contraventions* (petty offences), which are judged by *tribunaux de police*;

- *délits* (misdemeanors), which are judged by *tribunaux correctionnels* ;

- *crimes* (felonies), which are judged by *cours d'assises*, in which a jury sits.

<sup>4</sup> In 2000, the police and *gendarmerie* recorded 106,312 instances of "assault and battery not entailing death", of which 71.80% were cleared up.

<sup>5</sup> AUBUSSON DE CAVARLAY B., 2001, *Filières pénales et choix de la peine*, in MUCCHIELLI L., ROBERT Ph., (eds.), *Crime et sécurité : l'état des savoirs*, Paris, La Découverte, 347-355.

<sup>6</sup> In the Paris area, thefts with violence (usually not serious) represent half of the attacks reported by victims (POTTIER M.L., ROBERT Ph., ZAUBERMAN R., 2002, Fear, Concern and Criminal Victimization in the Île-de-France Region, *Penal Issues*, 2, 1-4), but most are not cleared up by the police or the *gendarmerie*.

ratio, relatively young protagonists and their low socio-economic condition.

### 1) *A very uneven sex ratio*

Close to 94% of those convicted of DAB are men, whereas they only represent 60% of the victims. Only in the category of domestic violence are there more women among those convicted. On the other hand, women are considerably over-represented among the victims: they are victims six times more often than they are offenders.

### 2) *The protagonists: mostly young adults*

**Table 1 : Age of adult convicted offenders and victims compared to the demographic situation in the reference *département* (1999 census)**

Age	Convicted offenders		Victims		Pop. <i>dépt.</i>
	Number	%	Number	%	
18-24 ans	119	38,1	66	23,2	12,2
25-34 ans	85	27,2	107	37,7	19,7
35-44 ans	52	16,7	52	18,3	20,4
45-54 ans	38	12,2	34	12	20
55-64 ans	12	3,8	6	2,1	12,4
Over 65	3	1	4	1,4	15,3
Unkown	3	1	15	5,3	-
<b>Total</b>	<b>312</b>	<b>100</b>	<b>284</b>	<b>100</b>	<b>100</b>

The age curve of the convicted offenders peaks at the point of departure (38% are aged 18 to 24) and declines gradually after age 25. The victims are slightly older: whereas one-fifth were aged 18 to 24 in the survey population, the peak is located in the 25-34 year-old group, which represents a third of all victims. This slight difference in age between convicted offenders and victims is very well correlated with the sex variable: it is the number of men which accounts for the preponderance of 18 to 24 year-olds among offenders (conversely, two thirds of the women convicted were aged 25 to 44) and it is the number of women which accounts for the preponderance of 25 to 34 year-olds among the victims<sup>7</sup>.

All in all, the age of the protagonists shows that violence tends to be an affair among young adults. Indeed, these proportions differ considerably from the respective proportions of the different age groups in the overall population of the reference *département* (table 1), especially for 18-24 year-olds, for whom the ratio of the number of convictions for DAB to the overall demographic weight is three to one.

### 3) *Convictions for violence and socio-economic situation*

**Table 2 : Employment situation of offenders and victims compared to the situation in the reference *département* (1999 census)**

	Convicted offenders		Victims		Pop. <i>dépt.</i>
	Number	%	Number	%	
Farmers	0	0	0	0	0,1
Craftspeople, shopkeepers	10	3,2	11	3,4	3
Executives and high-level professionals	12	3,8	9	2,8	14,3
Middle management	20	6,4	24	7,5	15,7
Employees	60	19,2	110	34,3	16,3
Workers	86	27,6	38	11,8	9,1
Retirees	4	1,3	4	1,3	17,6
Unemployed	74	23,7	96	29,9	5,6
Outside labor force	29	9,3			18,3
Including pupils & students	21	6,7			10
Occupation unknown	17	5,5	29	9	-
<b>Total</b>	<b>312</b>	<b>100</b>	<b>321</b>	<b>100</b>	<b>100</b>

N.B.: the records do not necessarily provide information on the employment situation of the victims, and especially on whether they are unemployed or outside the labor force. We were therefore obliged to merge these two categories.

Analysis of table 2 shows two things. The first is the very great social homogeneity of offenders and victims (the slight differ-

<sup>7</sup> In the survey population, 11.5 % of the victims are juveniles and not shown in table 2.

ences are primarily due to the difference between the occupational status of men and women in each of the two groups). This is tied to the nature of their relations, which will be discussed in the following paragraph. The second finding is, conversely, the very definite contrast with the employment situation of the population in the reference *département*, with the exception of the category "craftspeople/shopkeepers" (for which the two groups are comparable) and aside from the fact that there were no farmers among the survey population (but their numbers within the overall population of the *département* are numerically insignificant). For the rest, the comparison massively shows an under-representation of executives and middle management and conversely, an over-representation of the working classes (with workers and employees representing 46.8% of offenders and 46.1% of victims as opposed to 25.4% of the local population) and of the unemployed among offenders (representing close to 24% of DAB offenders versus 5.6% of the overall population of the *département*) and perhaps also of people outside the labor force among the victims (see note to table 2). However, the large number of unemployed among the offenders should be interpreted in connection, firstly, with the strong correlation with age (whereas the overall unemployment rate for the entire labor force within the reference *département* is 5.6%, it is 17% for the 16-24 year-old group and over 20% between ages 19 and 21, and secondly, with the number of offenders with a previous criminal record, and who perhaps represent a "penal clientele" for whom unemployment or non-labor market participation is partly a consequence.

## II - Offender/victim Relations and Types of Conflict

**Table 3 : Nature of the relations between offenders and victims**

Types of relations	Number	%
Marital	66	25,8
Family	28	10,9
Extra-marital	1	0,4
Friendly	9	3,5
Close neighbors	21	8,2
Workplace	11	4,3
Acquaintanceship with no special relationship	48	18,8
No acquaintanceship	72	28,1
<b>Total</b>	<b>256</b>	<b>100</b>

In the social imagination, violence is associated with an anonymous threat. Now in fact, table 3 shows that DAB followed by TIW involves offenders and victims who know each other in nearly three out of four cases (72%), which is to say slightly less often than in criminal cases (where 85% of people know each other), even if it should be recalled, once again, that we are only discussing cleared up cases here. The first circle of relationships is none other than husband and wife, with one fourth of all assaults perpetrated in that context. If we add the other types of family relations plus the instances of extra-marital relations, we reach a figure of 37% of judged cases. The circle of the most intimate relations imaginable is therefore actually the main location of this abuse (which in fact usually takes place at the home of the protagonists). Next, 16% of this violence takes place between individuals who know each other well, because they are either friends or see each other practically every day in their immediate vicinity or on the workplace. In close to 19% of cases the protagonists were acquainted without our examination of the records being able to determine the content of that relationship (more distant neighborhood relations, former colleague, former schoolmate or other). Last, in 28% of cases the protagonists claimed not to know each other before the offense was committed (this was true of half of quarrels on the streets, all quarrels between drivers and almost all violence committed during police checks).

Table 4 takes us somewhat further in that it gives some indications as to the nature of the conflicts behind these attacks. Firstly, it corroborates, and even increases somewhat, the weight of marital and family problems, which represent close to 40% of the conflicts that produced convictions for violence. The proportion of conflicts between neighbors is much the same, along with the rare blows exchanged in the course of fights between friends or colleagues. Conversely, while we know nothing about the exact causes of a number of street fights (and secondarily, of rows in bars), we discover three specific types of conflicts:

- 1) checks by police officers or security guards, which represent nearly 10% of these DAB cases entailing TIW, with the plaintiffs being the police or *gendarmerie* officers, transport company ticket collectors (the Paris metropolitan transportation company, the RATP, in this case) and private security guards;
- 2) quarrels between drivers (about 5%);
- 3) thefts or attempted thefts (4%)<sup>8</sup>.

**Table 4 : Nature of the conflicts**

Types of conflict	Number	%
Quarrel between spouses	74	28,9
Quarrel within family	26	10,2
Street fight	62	24,2
Police check	24	9,4
Conflict between neighbors	19	7,4
Quarrel between drivers	13	5,1
Theft or attempted theft	10	3,9
Workplace quarrel	7	2,7
Quarrel between friends	6	2,3
Row at bar	4	1,6
Other	11	4,3
<b>Total</b>	<b>256</b>	<b>100</b>

### III - Some Points as to the Seriousness and Circumstances Surrounding the Facts

Study of these DAB records also yields some findings that enable us to assess the seriousness of the blows exchanged. Three points seem significant:

- the first has to do with the nature and proportion of physical injury caused by this violence: one third of cases are serious, the other two thirds are not. Of the 321 victims, 62% were granted a TIW for 8 days or less, three fourths of which were actually for less than 3 days. Perusal of the medical certificates establishes the precise nature of the physical injury involved, which we have divided into four groups. 1) In slightly over 7% of cases there was no physical injury but a psychological trauma; 2) in about 60% of cases, there were slight injuries such as scratches, superficial cuts and black and blue marks; 3) in about one third of cases (32.4%), on the other hand, there were more serious injuries such as deep wounds, broken bones and physiological traumas; 4) last, in only 1.5% of cases there were very serious injuries causing long-term, and possibly even permanent incapacitation.

<sup>8</sup> The low figure connected with thefts may seem surprising, given the findings of victimization surveys, which show them to be central to the analysis of attacks (ZAUBERMAN R., ROBERT Ph., POTTIER M.L., 2004, Profils de victimes, profils de victimation, *Déviance et Société*, 3, 369-384). However, it should be remembered: i) that some of the DAB count as aggravating circumstances for a main offense of theft or attempted theft and are not included in our sample, ii) that some of the attacks are in fact robberies (or attempted robberies) and are not reported by the victims when they did not cause any physical injury, iii) that most of these robberies result in suits against an unidentified offender which are not detected and iv) that some of the cases classified as street fights in our study, owing to lack of additional information, are most probably actually robberies, completed or attempted.

- The second point, corroborating the previous one, has to do with the weapons used. This study shows that in 70% of cases the blows were dealt by the person's bare hands. In 10.5% of cases a knife was used. In 15% objects of all sorts were involved (a stick, a piece of glass, various tools). Three per cent of cases did not involve blows but commercially sold defensive tear gas cans. Last, firearms were only used in 1.5% of cases<sup>9</sup>.

- The third point is the role of patent drunkenness as a contextual element in this violence. In our work on manslaughter, this factor was present in about one half of cases. It is much less prevalent here (inasmuch as can be ascertained), since it is present for 20% of those convicted for this sort of violence, almost all of whom were blue-collar, jobless or not on the labor market. *Conversely*, and just as in the above-mentioned study, use of drugs or psychoactive medication is only reported in an insignificant number of cases (scarcely over 1%).

### IV - Contribution to a Typology

In conclusion to this analysis, we may draft a typology, with five main groups:

- the first type, which is also the most frequent one (close to 40% of cases) within the overall caseload, involves family conflicts, and among these, mainly marital conflicts. The protagonists of this first type of violence are adults, usually aged 25 to 45, men and women, cohabitees or former cohabitees, mostly but not exclusively from a working-class background: *this is in fact the only type in which some executives are involved and the main one involving people in middle management*<sup>10</sup>. These adults fight each other or abuse of other members of their family, parents or children. They are also the ones who exert psychological violence, but also physical violence – often serious, usually involving a TIW of over 8 days – during or after separation or a divorce procedure. Moreover, most had been drinking when the violence was perpetrated and three fourths of them had a previous conviction (mostly for violence and offenses connected with drinking).

- The second type (representing about 25% of cases judged) involves brawls on the streets or in bars, mostly among the youngest adult men (between ages 18 and 34), unemployed, non work force participants or workers, unmarried, half of whom knew each other by sight, the other half being unacquainted, for a variety of reasons which the records unfortunately rarely state in detail. Most of these fights are among isolated men, not groups (the DAB aggravated by the fact of having been committed in a group only represent 7% of cases judged. They involve young unwed men, non work force participants, unemployed or workers, two thirds of whom had a previous conviction).

- The 3<sup>rd</sup> type (representing slightly over 15% of the cases judged) involves violence outside the family but committed nonetheless within relationships of relative proximity: these

<sup>9</sup> These first two findings contribute some elements of response to a broader question we raised when beginning this research, which is to say the limit between attempted murder and the most serious injuries. Given the extremely low frequency of serious injuries and the practically non-existent use of firearms (whereas they were present in one third of the murder and attempted murder cases we studied), that limit seems to be very clear-cut.

<sup>10</sup> The ENVEFF survey also showed that marital violence affects all social strata and practically in the same proportions, with unemployment as the only aggravating factor (JASPARD M., et al., 2003, *Les violences envers les femmes en France. Une enquête nationale*, Paris, La Documentation Française). The prevalence of working-class people in our survey population seems to indicate a selective effect induced firstly by the seriousness of this violence and secondly by the above-mentioned mechanisms by which a "penal clientele" is constituted.

are disagreements among friends, quarrels among neighbors or fights at the workplace. They tend to involve men who are divorced, older on the average than for the previous type (except for workplace fights, mostly involving 25 to 34 year-olds), generally from a working-class background (more often non work force participants or unemployed when the conflicts involved friends or neighbors), and over half of whom had a previous conviction.

- The 4<sup>th</sup> type (about 10% of cases) involves conflicts between private parties and security agents, public or private, representing the authorities. The people who dealt the blows (all of which entailed injuries located at levels 1 or 2 of the typology described in paragraph III) are mainly (but not exclusively) men, the youngest in the sample (aged 18 to 25), unmarried, non work force participants or unemployed, and when workers, mostly blue-collars and employees ; about 40% of them had previously been convicted (especially for insulting and resisting the police)...

- The 5<sup>th</sup> type is a small group (about 5% of cases) with a highly specific content: these are exchanges of blows between drivers, none of whom are acquainted. The offenders tend to be divorced men, more evenly distributed over the age range, mostly workers, unemployed or non work force participants; only one third of them have a previous conviction.

### **Conclusion**

Violence in social relations, as depicted in these cases of DAB followed by TIW, is quite variegated, and although the present study does not include juveniles, it encourages us to take some distance with the political/media depiction of dangerous violence exclusively embodied by the young residents of problem urban areas. The present study turned up three significant findings in that respect. The first is that if we set aside violent thefts perpetrated by unknown offenders, not detected by the police or the *gendarmerie* and not considered in this work, violence is mostly exerted among people who know each other, and it takes place essentially within the family sphere, and especially in marital relations. The second is the variety of places and protagonists of this violence, which may arise between neighbors, during checks by security agents, public or private, in fights between drivers and even at the workplace. The third is the strong correlation between violent behavior and the social and economic living conditions of our fellow citizens, the correlation only being lower in the case of marital violence.

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