

# Penal Issues

## CESDIP

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## Homicides in France Since the 1970s : Statistical Analysis and Overall Trends

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He has recently published : *Une société plus violente ? Analyse socio-historique des violences interpersonnelles en France, des années 1970 à nos jours*, *Déviante et Société*, 2008, 2, 115-146<sup>1</sup>.

Since several decades, historians have viewed trends in homicide rates as one of the rare reliable indicators of the evolution of interpersonal violence across Europe. Moreover, they have evidenced a historical decline of physical violence since the end of the Middle Ages<sup>2</sup>. But what about today? Whereas the idea that « violence is back » has become a commonplace, the number of homicides perpetrated annually in France has actually been declining since the mid-1980s. To ground this assertion, meticulous analysis of three different types of available statistical sources is required.

### Three Statistical Sources, a Single Trend

**Figure 1** illustrates the serialisation of five sets of data from three sources based on extremely varied methods and counts, as indicated by the considerable differences in magnitude. It is essential, then, to determine how these data are produced, both to check on any biases and to attempt a comparison.

**1) The health-based source** (INSERM, *Institut national de la santé et de la recherche médicale*, a French public research body dedicated to human health) makes an annual count of the « (main) causes of death », with « intentional homicide » as a distinct category. Other categories for « violent death » are accidents (of all sorts, including domestic accidents, hunting accidents, highway accidents, drownings, and so on), poisonings, suicides and deaths whose « cause » or « intention » is unidentified.

As each of these different categories may conceal a murder, the distribution of deaths between them is a critical issue.

In practice, the classification is done by physicians of various sorts (general practitioners, hospital physicians, public records doctor, or other) who perform a medical examination and deliver the death certificates without which no deceased person can be buried (the legal term for this certificate is the « closing of the coffin »). To do so they use the International Classification of Diseases (ICD), updated regularly, and which currently contains 12,000 headings divided into 21 chapters, including one devoted to « external causes », including accidents, suicides and homicides<sup>3</sup>.

In case of a « suspicious death », which must be formally reported by the doctor, the certificate is not sent to the local registry office but to a forensic medicine institute, which later informs the INSERM of its ultimate classification. For many reasons, however (including the doctor's lack of training or experience, and pressure from the family), general practitioners (and to a lesser extent, emergency physicians) may be unable or unwilling to learn more, thus preventing the intervention of a medical examiner who might, during an autopsy, discover that the cause of death was unnatural<sup>4</sup>.

Next, studies show that some medical examiners omit to send the information yielded by their examination to the INSERM, thus causing serious underestimation of the number of suicides<sup>5</sup>.

<sup>1</sup> On line : <http://www.cairn.info/revue-deviance-et-societe-2008-2-p-115.htm>.

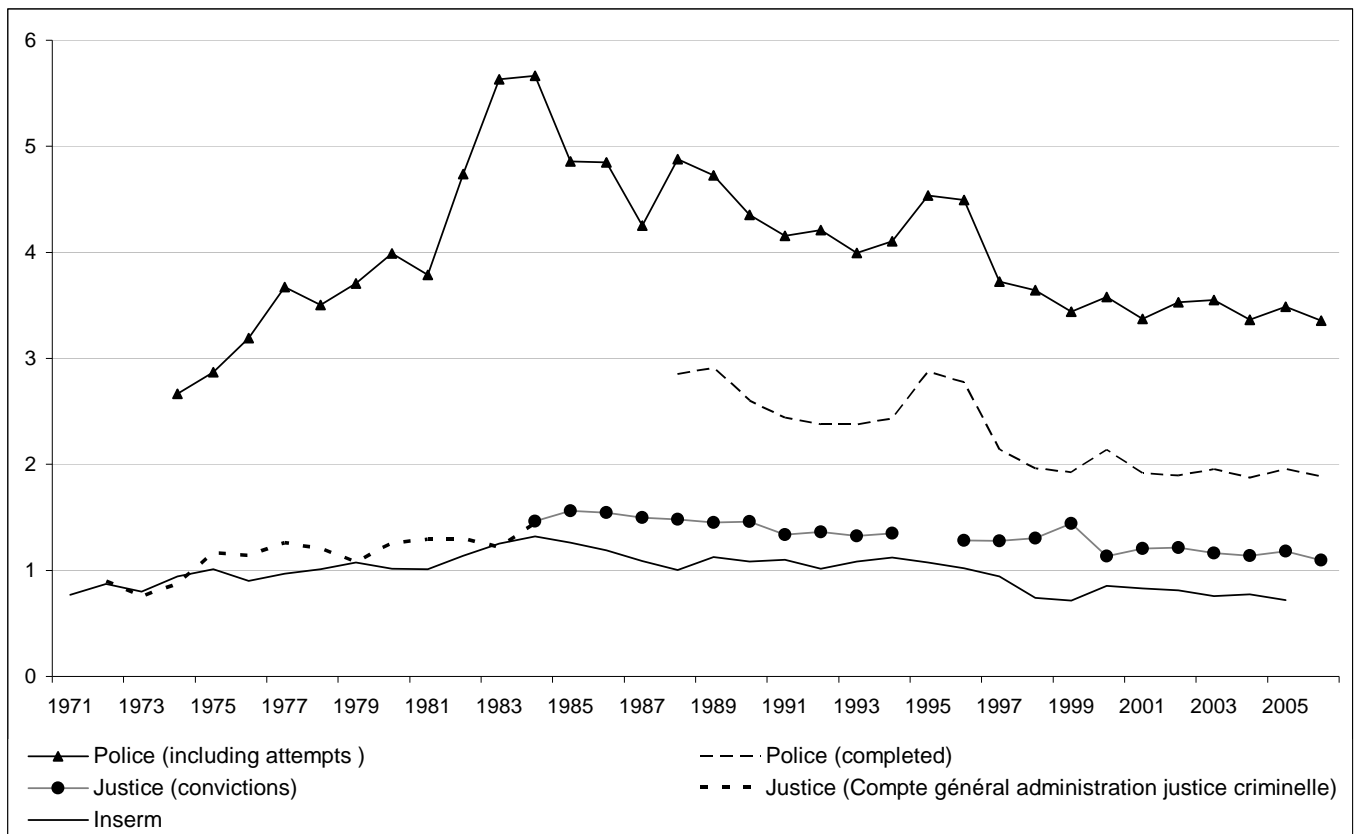
<sup>2</sup> MUCHEMBLED R., 2008, *Une histoire de la violence, de la fin du Moyen Âge à nos jours*, Paris, Seuil ; SPIERENBURG P.C., 2008, *A History of Murder. Personal Violence in Europe from the Middle Ages to the Present*, Cambridge, Polity Press.

<sup>3</sup> PAVILLON G., LAURENT F., 2003, Certification et codification des causes médicales de décès, *Bulletin Épidémiologique Hebdomadaire*, 30-31, 134-138.

<sup>4</sup> LORIN DE LA GRANDMAISON G., LASSEUGUETTE K., BOUROKBA N., DURIGNON M., 2004, Des dangers de la levée de corps : étude des discordances retrouvées par la confrontation de la levée de corps et de l'autopsie sur 200 cas, *Journal de Médecine Légale et de Droit Médical*, 4, 115-122.

<sup>5</sup> CHAPPERT J.L., PÉQUIGNOT F., PAVILLON G., JOUGLA E., 2003, *Évaluation de la qualité des données de mortalité par suicide : « Biais et impact sur les données nationales en France, à partir de l'analyse des causes indéterminées quant à l'intention »*, Paris, DREES, Série « Études », 30.

Figure 1. Homicide trends according to various sources (rates per 100,000 inhabitants)



The last, essential question, then, is of course: what becomes of the deaths for which « intention is not determined » ? Especially since their number is far from negligible. For example, a study of deaths caused by firearms in 1999 shows 2,607 such deaths (representing 6 % of violent deaths), which break down into 78 % of suicides, 6 % of homicides; 4 % of accidents; and 12 % of causes whose intentionality is undetermined<sup>6</sup>. A retrospective survey conducted in 2001-2002 by researchers from the *Centre d'épidémiologie sur les causes médicales de décès – CépiDc*, INSERM (Epidemiological Centre on the Medical Causes of Deaths) on 532 certifying physicians covering the year 1999 concludes that suicides represent about 24 % of deaths classed as « undetermined » before age 25 and 40 % after age 25, increasing the overall suicide rate by at least 7 %<sup>7</sup>. Also, according to two local studies, the increase would be as high as 20 or 30 % if cases classed as « cause unknown or unreported » were included<sup>8</sup>. Researchers from the same team point out that « sociodemographic characteristics as well as geographic differences and trends over time remain similar before

and after data have been corrected by extrapolating survey findings to official statistics », meaning that underestimation may be considered to be constant, and the trend over time reliable<sup>9</sup>.

This team did not work on homicides, although they think that « the corresponding under-reporting of deaths due to homicide is certainly greater »<sup>10</sup>. An earlier study (on the year 1990) did identify « undetermined » causes of death and showed that most were accidents and suicides, but that the several hundred murders possibly hidden there would lead to the conclusion that health statistics on homicides are underestimated by 40 to 45 %<sup>11</sup>.

**2) Police statistics** tally up incidents for which a police report was written and transmitted by the police or *gendarmerie* to the Public Prosecutor's Office, to the exclusion, primarily, of *contraventions* (petty offences) as well as of traffic offences and their attendant unintentional violence<sup>12</sup>. The units of reckoning vary, and include the report, the offence, the object, the victim and the offender. In

<sup>9</sup> PÉQUIGNOT, LE TOULLEC, BOVET, MELLAH, JOUGLA, 2004, 69.

<sup>10</sup> *Ibid.*, 67.

<sup>11</sup> BOUGOIN N., NIZARD A., 1994, Mortalité violente : la France mal placée, *Population et Sociétés*, 289, 4.

<sup>12</sup> AUBUSSON DE CAVARLAY B., 1998, What and how do police statistics count ?, *Penal Issues*, 9,

the case of homicide, it is the victim. Once the act is recorded, if it is considered to be cleared up, charges are brought against persons. In appearance, this statistic therefore counts homicide victims and presumed offenders, as well as a brief demographic presentation of the latter (their sex, age group and nationality). One important problem arises, however, pertaining to the legal definition of the acts. And the problem is double.

Firstly, as a rule, police statistics register completed offences and mere attempts under a single heading. Homicides are an exception, but only since 1988. Examination of homicide trends, completed and attempted, over the last twenty years (figure 2) shows that the two categories vary in broadly similar ways since 1993, seeming to indicate that from then on we are dealing with one and the same set of phenomena. However, the trends differ, on the contrary, for the 1988-1993 period. Continued vigilance is required, then, on this point. The notion of attempted homicide is indeed much vaguer than that of completed homicide: the line between extremely serious assault and battery and attempted murder is a very thin one.

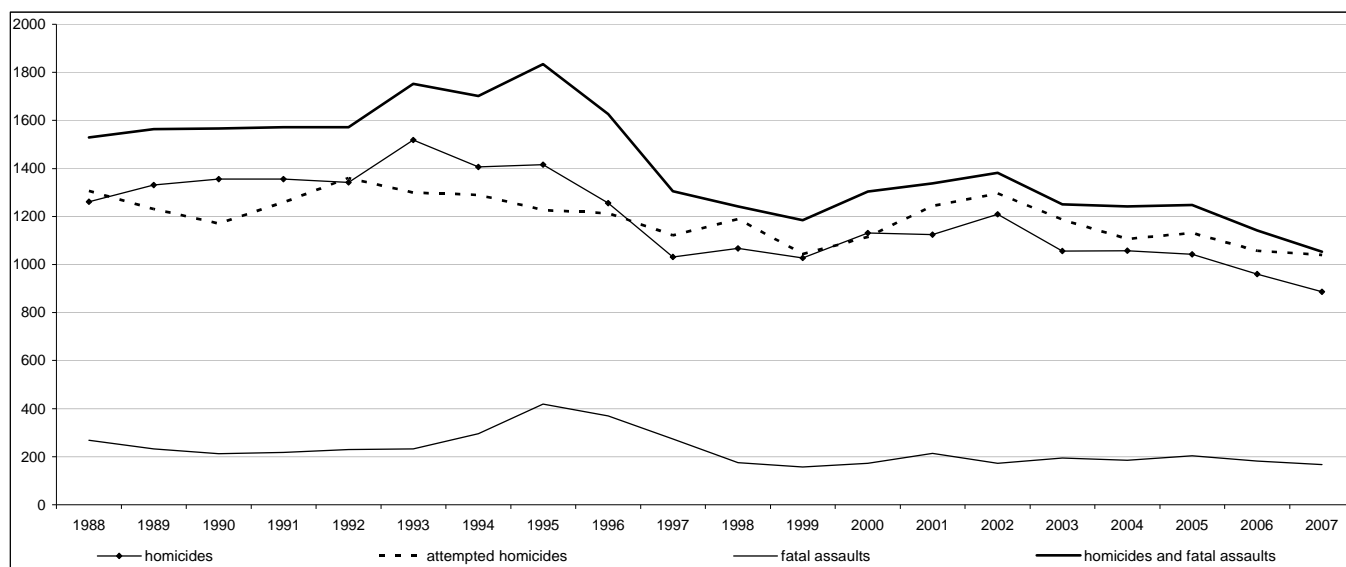
In appearance, the question is not statistically decisive inasmuch as very

<sup>6</sup> PÉQUIGNOT F., LE TOULLEC A., BOVET M., MELLAH M., JOUGLA E., 2004, *Données sur la mortalité par arme à feu en France*, Paris, INSERM, 15.

<sup>7</sup> CHAPPERT, PÉQUIGNOT, PAVILLON, JOUGLA, 2003, 36.

<sup>8</sup> *Ibid.*, 39.

Figure 2. Homicides, homicide attempts and fatal assaults in police statistics from 1988 to 2007 (absolute figures)



serious assault and battery (sometimes not far from violence causing unintended death) are a minute part of the overall category of deliberate assault and battery (DAB): somewhere around 1.5 % among adults and even less for juveniles<sup>13</sup>. The fact remains: since the police and *gendarmerie* services recorded 176,000 DAB in 2007, a 1 % rate would represent 1,760 cases, which is much more than the number of homicides (826) and attempted homicides (1,040) recorded for that same year.

Furthermore, and generally speaking, this legal definition of acts is a sensitive point, especially during the police phase. One wonders, in particular, whether the police don't tend, occasionally, to load charges on some cases and some individuals, as

well as to protect others, for a variety of reasons. To test this hypothesis on a large sample, we merged the data from the last four available years of police statistics (2004 to 2007), and calculated the distribution of women, foreigners and juveniles among the individuals charged within the three broad criminal categories used at the police level: completed homicide, attempted homicide and fatal assault and battery. At the same time, we did the same calculation with court statistics for 2003-2006, to compare police definitions with those finally adopted at the trial. The study of police definitions shows that foreigners are more often prosecuted for attempted homicide than for fatal assault and battery (violence causing unintended death), whereas the opposite is true for women. Now, these differences disappear, for the most, in court conviction statistics. Can it be that the police tend to load charges on foreigners more than on French citizens? And that women are « protected » more than men? We can merely advance the hypothesis, where only a meticulous examination of a sample of case files would provide clear evidence. Last, these questions of definition do not seem to affect juveniles for the recent period.

There is a second broad problem concerning definition: the notion of « intention to kill » separates the category of homicide from that of « deliberate assault and battery having caused unintended death ». Figure 2 shows what this curve looks like between 1988 and 2007, and it too differs from the curve for completed homicides, especially during the early years (up to 1995). Observation of the series of fatal assault and battery cases since 1972 would show other periods when disparities were great. In fact, the « intention to

kill » is often difficult to ascertain, particularly when the offenders, and often the victims as well, are heavily under the influence of alcohol<sup>14</sup>. This again points to the importance of these legal definitions and to their possible variation over time, as well as to the need for a comprehensive capture, at the least, of all the assaults that caused death, irrespective of whether or not they have been defined as intentional homicide<sup>15</sup>.

3) Court statistics are the oldest source of statistical information on the criminal population. The *Compte général de l'administration de la justice criminelle* has been published since 1827. However, this source experienced several periods of crisis, the last of which dates back to the mid-1970s, and led the publication of these statistics to disappear in 1978<sup>16</sup>. Until that date, we possess statistical

<sup>13</sup>To clarify this point, we first studied a sample of 256 cases of deliberate assault and battery with ensuing total incapacity to work (TIW), tried by a Paris area *correctionnel* court in 2000, involving 312 over-age offenders and 321 victims (MUCCHIELLI L., 2006, *Some Aspects of Violence in Social Relations, Deliberate Assault and Battery Entailing Incapacity to Work Judged by a Paris Area Correctionnel Court in the Year 2000, Penal Issues*, 1, 1-4 - online : [http://www.cesdip.fr/img/pdf/pi\\_01\\_2006.pdf](http://www.cesdip.fr/img/pdf/pi_01_2006.pdf)). 62 % of victims were granted a TIW of less than 8 days, of which three fourths were even under 3 days. Conversely, 38 % were granted a TIW of over 8 days, but only 1.5 % of these had very serious injuries causing long-term or even permanent incapacitation. In 10 % of cases, the offender had used a knife and in only 1.5 %, a firearm. Next, a recent study, on juveniles this time, analysing a sample of cases tried by juvenile court judges (in their chambers or in court) in 2005, involving 235 offenders and 282 victims, yielded comparable findings. Only in 7 % of cases did the violence suffered lead to a TIW of over 8 days, above 21 days in 1.8 % of cases, and long-term incapacitation in only one case, representing less than 0.4 % (LE GOAZIOU V., MUCCHIELLI L., NÉVANEN S., 2007, *Les évolutions des faits de violence et des mineurs impliqués (1991-2005) - 1<sup>er</sup> rapport intermédiaire*, Guyancourt, CESDIP, 50-51).

<sup>14</sup>It has already been pointed out that in trials before the *Cour d'Assises* (a court before which the most serious offences, called *crimes* in the French criminal code, are tried by a jury), as the offenders usually do not deny the facts, determining whether the homicide was perpetrated intentionally or not represents one of the main stakes, if not *the* main stake, with respect to their defence (MUCCHIELLI L., 2004, *Les caractéristiques démographiques et sociales des meurtriers et de leurs victimes. Une enquête sur un département de la région parisienne dans les années 1990*, *Population*, 2, 207 - online : [http://www.ined.fr/en/resources\\_documentation/publications/population/bdd/publication/260/](http://www.ined.fr/en/resources_documentation/publications/population/bdd/publication/260/)).

<sup>15</sup>In the debate on the « civilising process » organised by the journal *Déviance et Société* in 1993, AUBUSSON DE CAVARLAY (1993, 304) had already noted that « according to police statistics, between 1972 and 1991, intentional homicides in the strict acceptance, had more than doubled. However, if we add infanticides and fatal assaults, to avoid any doubts due to shifts between those three headings, the total only rises by about one third over the same period ».

series of the convictions for a group of crimes – murders, assassinations, fatal assault and other injuries defined as crimes – based on the Criminal records registry. A series was again published annually from 1984 on, based on the same information (convictions registered in the criminal records), detailing the above-mentioned offences, and making it possible to isolate fatal, deliberate violence. This source also shows the sex, age (the age group) and nationality of convicted persons. Several years are partially unusable because of the amnesty laws. Furthermore, in its yearly publication, the Ministry of Justice consistently mentions that the number of convictions is underestimated, since about one third are not conveyed to the Criminal records registry by the courts. Last, when reading the graphs, it is important to remember that final convictions are handed down, logically, several years after the facts. Moreover, the average duration of legal proceedings (for *crimes*) has increased over the years. It was approximately 3 and ½ years, for all cases, in the early 1990s. By the mid-2000s it is about 4 years for juveniles and 5 for adults.

### Police Clear-ups as a Filter

Last, the difference in magnitude between police and court statistics is also partly due to the fact that only a fraction of recorded homicides are cleared up (slightly over 80 % in the mid-2000s), and that fraction varies according to the homicide categories differentiated in the police statistics. « Gangland killings » are least often cleared up (about 40 %), whereas others frequently are: murders for theft (about 75 %) and especially murders « for other reasons » (about 90 %), as well as homicides committed on juveniles under age 15 (also about 90 %). Understandably so, since over 80 % of tried cases involve close relations (family, couples, friends, or neighbours), which greatly facilitates the detectives' investigations<sup>17</sup>. This leaves 20 % of uncleared cases. A previous case-file study and interviews with police detectives on their detection work<sup>18</sup> led us to deve-

lop a typology of the main causes (not mutually exclusive) of non-detection, the main ones being: absence or non-identification of the corpse, insufficient evidence and especially lack of eyewitnesses, resistance on the part of the suspect (especially when detectives try to get a confession), lack of prior relationship between offender and victim (making it difficult to understand the motives), the suspect's leaving the country and lack of international police cooperation, insufficient physical and human resources for investigation (due to work overload and to the need to prioritise emergencies), and last, political pressure. For all of these reasons, and although some of the aforementioned difficulties are improving steadily<sup>19</sup>, some homicides will never be tried and therefore cannot be included in court statistics.

### What is the Overall Trend?

At this point, we can shift our focus from differences in levels to the overall trend and periodisation of statistical series. **Figure 1** shows that *the three sources concur as to overall trends and illustrate two phases: an overall rise during the 1970-1984 period, followed by an overall decline from 1985 to the present*. When we go into greater detail, the correspondence is even closer for the 1989-2006 period (for which police statistics make a distinction between completed and attempted homicides). The police and INSERM curves show a rise from 1993

to 1995, followed by a drop from 1996 to 1999 and a slight upturn in 2000 (continuing until 2002 for the police), with a downward trend since. The Police curve shows greater variations, but the timing is very much the same, whereas the Justice one shows even fewer variations in the general downward trend, except for a slight increment in 1998 and especially 1999, probably corresponding to the 1993-1995 police peak, given the average duration of criminal proceedings.

### Conclusions

In the late 1970s, when the « issue of violence » once again invaded the political scene, it was a reverse exaggeration to describe the French situation as « perfectly calm », and moreover, to claim it was better than that of the other European countries<sup>20</sup>. According to the findings of the *European Sourcebook of Crime and Criminal Justice Statistics* for the early 2000s, France was in a rather median position among Western European countries (homicide rates are usually much higher in Eastern European countries, whose history is not comparable)<sup>21</sup>. The fact remains that we are now actually experiencing the lowest level of murders since the beginning of the 19th century<sup>22</sup>. This finding calls for greater caution from all those, including in the academic world, who swim with the tide and express concern about increasing physical violence, a statement that a careful examination of homicide trends belies. In return, it invites us to give further thought to the transformations in the status of violence in our society, and to the impact of increasing denunciation of that violence<sup>23</sup>.

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<sup>18</sup> MUCCHIELLI L., 2006, L'élucidation des homicides : de l'enchantement technologique à l'analyse du travail des enquêteurs de police judiciaire, *Déviance et Société*, 1, 91-119 (online : [http://www.cairn.info/revue-deviance-et-societe-2006-1-p-91.htm?whatu=mucchielli&auteur=&doc=n\\_reof\\_094\\_0045.htm&id\\_article=ds\\_301\\_0091](http://www.cairn.info/revue-deviance-et-societe-2006-1-p-91.htm?whatu=mucchielli&auteur=&doc=n_reof_094_0045.htm&id_article=ds_301_0091)).

<sup>19</sup> This is true of international police cooperation, as well as in handling missing person cases. On the latter issue, the administration has done a great deal in the last ten years, in collaboration with victim assistance schemes. In particular, it has reinforced the coordination of government services, with the creation, in 2002, of the *Office Central chargé des Disparitions Inquiétantes de Personnes* (the Central Office for Alarming Disappearances of Persons), merged, in 2006, into the Central Office for the Control of Personal Violence, working to combat violent personal offences, and especially homicide, rape, pedo-pornography, sequestration and kidnapping, and handling alarming disappearances and the discovery of unidentified corpses. This bureau centralises information and handles the missing persons data base in particular. The Ministry of Justice, in turn, signed a convention in 2006 aimed at setting up a national system for alerting the population, with the help of the mass media, in case of kidnapping of a juvenile

<sup>20</sup> CHESNAIS J.C., 1981, *Histoire de la violence en Occident de 1800 à nos jours*, Paris, Robert Laffont, 52 ff.

<sup>21</sup> Its homicide rate is slightly higher than that of Switzerland, Spain and Germany, equivalent to that of Italy and Denmark, and lower than the rate in the United Kingdom, Belgium, the Netherlands and Luxembourg. Cf. *European Sourcebook of Crime and Criminal Justice Statistics*, 2006, Den Haag, WODC (online : <http://www.europeansourcebook.org/>).

<sup>22</sup> BOURGOIN N., 2008, *Les chiffres du crime. Statistique criminelle et contrôle social (France, 1825-2006)*, Paris, l'Harmattan.

<sup>23</sup> MUCCHIELLI L., 2008, Une société plus violente ? Analyse socio-historique des violences interpersonnelles en France, des années 1970 à nos jours, *Déviance et Société*, 2, 115-146 (online : [http://www.cairn.info/revue-deviance-et-societe-2008-2-p-115.htm?whatu=mucchielli&auteur=&doc=n\\_hori\\_002\\_0062.htm&id\\_article=ds\\_322\\_0115](http://www.cairn.info/revue-deviance-et-societe-2008-2-p-115.htm?whatu=mucchielli&auteur=&doc=n_hori_002_0062.htm&id_article=ds_322_0115)).

<sup>16</sup> AUBUSSON DE CAVARLAY B., HURÉ M.S., POTTIER M.L., 1989, *Les statistiques criminelles de 1831 à 1981. La base Davido, séries générales*, Paris, CESDIP, Collection « Déviance et Contrôle Social », 51 ; AUBUSSON DE CAVARLAY B., 1998, De la statistique criminelle apparente à la statistique judiciaire cachée, *Déviance et Société*, 2, 155-180.

<sup>17</sup> MUCCHIELLI L., 2002, A Study of Murder: Perpetrators and Victims, *Penal Issues*, 1, 1-4 (online : [http://www.cesdip.fr/img/pdf/pi\\_01\\_2002.pdf](http://www.cesdip.fr/img/pdf/pi_01_2002.pdf)).