

PUBLIC OPINION, CRIME AND CRIMINAL JUSTICE POLICIES IN FRANCE

A quantitative survey investigated French disapproval of criminal behavior, using a classical CRIME INDEX procedure (closed scale, seriousness rated from 1 to 10), to assess any changes in this population's perception over a twelve-year interval. Findings may be analysed in two ways :

FINDINGS FOR THE POPULATION AT LARGE

The table presented below, summarizing the information collected, has a two-sided construction : in lines, the types of offenses judged, and in columns, a simplified presentation of ratings of "seriousness". "Low" ratings (5 or under) are separated from "high" ratings (over 5). In the latter group, a distinction is made between ratings of 8 to 10 and those of 6 and 7. The 33 questions are then listed by "order of priority for repression" (OPR) : the higher the ratings, the greater, presumably, the social consensus for the repression of that offense, and for giving priority to criminal justice policy decisions aimed at its control.

There is considerable agreement to disapprove assaults on physical integrity : robbery degenerating into homicide, rapes. Trafficking in heroin, industrial pollution and non-respect of job safety rules resulting in death on a work site run close seconds in public opinion.

Next, almost unanimously disapproved, are armed robbery, refusal to assist a person injured in a road accident, drunken driving and sale of haschish.

Offenses that are generally given ratings of 5 or under, and are not regarded as serious by 2/3 of an indulgent population include shop-lifting, civil disobedience during a demonstration, working on the black economy, certain breaches of morality and illegal residence of a foreigner following non-renewal of his or her papers.

Problems of morality, political protests, the underground economy and passive infringement, by foreigners, of administrative regulations, are not viewed as a threat, and consequently not judged a priority for criminal justice policy.

The hierarchy of offenses is established on the basis of an evaluation of the degree of "seriousness", as conditioned by the intentionality imputed to the author, along with perception of the prejudice caused. To a large extent, it is the combination of these two parameters that determines the strength of the demand for penal

action. When these two parameters combine in varying proportions, and/or when conflicting stakes are involved, the population is divided in its expectations with respect to criminal justice policy.

This is particularly observed in :

- property offenses, depending on the extent of the damage caused ;
- traffic offenses ;
- breaches of civil rights by the police ;
- secondarily, violations of labor laws ;
- tax evasion.

VARYING EXPECTATIONS

There are six main types of expectations, which may be viewed as corresponding to two ideological clusters : the first includes 77.7 % of those questioned, who mostly value private property and are sensitive to the defense of property ; the other 22.3 % are concerned with the defense of the interests of the community, and essentially frown upon violations of labor laws and illegal police action. Thus, the ideological split is carried on, from one decade to the next, in varying forms.

These two types are best categorized by their educational background : the less schooling one receives, the greater the tendency to be punitive, and vice versa.

Other discriminative factors include political opinions, the occupation of the head of household, age, degree of religious belief and sex. All of these variables are interrelated to varying degrees. In addition, their influence is mediated by specific value systems and attitudes which further differentiate them, and more specially by the degree of fear of or resistance to social change, and of "punitiveness" ("law and order" ideology).

1. - The cluster of "rigorist" types. Four different tendencies may be defined :

- Type one (22.6 %) is composed of a very elderly population located on the bottom of the social ladder ; it conveys a highly normative and emotional vision of delinquency. These people take a "stern" stance on almost all offenses. The idea is to keep offenders, who are incomprehensible by nature, at a distance, since they endanger social cohesion and must be excluded from the community at all costs and regardless of the means employed. The question here is not the violation of the law, but a need to eradicate evil at any price. Every offender must be ruthlessly punished, and reprobation is particularly intense in this worldview, since it sees pervading malicious intentionality everywhere, and dramatizes victimization.

Aside from those cases in which identification with a collective victim or belief in a malicious intention is quite difficult (when a father rightly punishes his child, for instance, the injury is viewed as fortuitous), the mechanism of blame is not very discriminating. There is not much sense in discussing repressive priorities for this type of rigidly moralistic, conformist individual, whose perception of "seriousness" is guided only by an extremely manichean, rigorist and authoritarian "ethos".

These people tend to be relatively unskilled laborers or low level office workers, with no financial or educational capital, frightened by the evolution of society and affected by urban insecurity. Repressive tendencies are at their epitome here.

Although the youngest fraction of this group reasons along the same lines as the elders, it does tend to be somewhat dubitative about the criminal nature of questions of morality.

- The second type (16.5 %) is very religious ; this tends to somewhat mitigate its repressive and moralistic tendencies. This is only a very relative phenomenon, however. Stances are somewhat less homogeneous in this group, which is usually sensitive to defense of the public order, viewed essentially as an order bent on safeguarding sexual morality, and hence on upholding the traditional family system. It is quite revealing that rape, exhibitionism, pornography and precocious sexual intercourse are proportionately the more heavily blamed offenses.

Reactions to abuse of police power and political protest are not as homogeneous, owing to differences in social status within this group : its working class portion is less tolerant than its rural fraction (farmers).

- The third group (17 %), rigorist, moralist and also religious, but socially more homogeneous (self-employed, in crafts, trade or industry), possesses considerably more property and financial capital, and expresses preference for a relatively authoritarian social and political order. These people condemn all types of property offenses much more strongly than the previous groups, and are particularly repressive of political protest as well, but also -and this is new, in comparison with the 1970's- they are very concerned with undue restraint of civil rights by the police. They are definitive supporters of a conservative, right-wing social system.

- The fourth type (21.6 %) is quite different from the other three, and its judgements on "seriousness" are much less tainted with emotion. Its expectations with respect to criminal justice policy are similar to the aforementioned, but differ

from them by the lesser degree of moral condemnation. This results in a greater distance, and leads to much more considerable variation in ratings.

This group is less religious and tends to be permissive and highly legalistic ; it is comprised essentially of people working in private industry, at a managerial level. Its defense of private property is tempered by an evaluation of the losses caused by theft (variations in OPR), thus indicating relative flexibility with regard to them. Another singularity is its particularly lenient attitude toward white collar crimes such as tax evasion, economic frauds or violations of job safety regulations. It feels that the criminal law system is not the appropriate place for solving these cases, which are not viewed as a part of street crime. However, its very legalistic attitude prevents it from questioning the action of law-makers or judges (for example : it disapproves the unfair dismissal of a union representative, or refusal to pay alimony). Another distinctive feature, in comparison with the previous group, is its relatively lenient attitude toward political protest and traffic offenses, which are not viewed as being within the purview of criminal justice.

2. - Two distinct types may be defined within the second, "humanist" cluster :

- The fifth (11.5 %) is a group that is young, urban, Parisian, possesses a wealth of diplomas but much less financial capital, professes left-wing opinions and cultural liberalism, and works predominantly in the executive sphere, in intermediation or in civil service. It is just as legalistic as the previous group.

These people are conspicuously "lenient" toward property offenses (except for armed robbery), political protest and use of drugs.

Conversely, they severely condemn any non-respect of rules that are viewed as endangering the community (pollution and on-the-job safety), or civil rights (illegal police action).

They tend to reject any criminal justice policy that overemphasizes prosecution of those offenses that symbolize their hedonistic, freedom-oriented values, but would view harsher punishment of public nuisances as legitimate.

- The sixth (10.8 %) may also be placed in this cluster, defined as sensitive to humanistic values and permissive attitudes, but the social status of those surveyed -occasionally very young, but also often close to retirement, rarely religious, with a working-class background and much less rich, both financially and culturally- does not make them as apt to take a distance from the normative reflexes when judging the seriousness of offenses.

This is illustrated by their lesser aptitude to stress the punishment of offenses involving undue restraint of civil rights by the police, tax evasion and to a lesser extent political protest, of which they are relatively tolerant.

The defense of private property is not of their preoccupations, and they are very tolerant of breaches of morality, but are divided on the question of drugs, oscillating between concern with the health problems of users and the defense of personal freedom, linked with their hedonistic aspirations.

The disproportion in the numbers of people representing the two basic ideological positions that define today's French population would seem to indicate that criminal justice policy might confine itself to satisfying the expectations of the majority. Actually, greater circumspection is required, in view of the evolution of the latter's concerns since the 1970's.

In fact, certain "progressive" values aimed at protecting the interests of the community have

spread to large sectors of conservative opinion, which were far less concerned with these at the time. This is particularly true of the liberalization of morality, the increased awareness of the issues raised by drug trafficking, and concern with protection of the environment.

At the same time, a great many people are no longer galvanized by the punishment of white-collar crime, owing to the considerable rehabilitation of the "property-holding" ideology in the 1980's, and a new sensitivity to the market economy.

An interaction seems to have occurred, then, between the two main, formerly extremely conflicting, value systems. However, it cannot be claimed, at present, that the effects of their reciprocal influences are proportionate to the numbers of people involved.

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PERCENTAGES OF RATINGS OF "SERIOUSNESS" OF DIFFERENT TYPES
OF OFFENSES, VENTILATED FOR THE OVERALL POPULATION

BRIEF DESIGNATION OF THE OFFENSE	RATINGS (%)			
	OPR	1 to 5	Over 5	From 8 to 10
Robbery, threat with gun : victim killed	1	1	99	92
Rape	2	2	98	91
Getting rich through sale of heroin	3	5	95	88
Dumping toxic products in river	4	6	94	81
Non-application safety rules on work site : death	5	9	91	69
Armed robbery : 200,000 FF	6	11	89	72
Failure to assist person injured in traffic accident	7	13	86	71
Drunken driving	8	13	86	70
Sale of haschish	9	15	85	74
Refusal to pay alimony	10	20	79	58
Burglary 1,000,000 FF.	11	21	79	55
Punishment by father resulting in injured child	12	23	75	56
Burglary 100,000 FF.	13	23	77	51
Police search without warrant	14	24	75	55
Speeding (120 km/h instead of 60)	15	27	72	51
Burglary 10,000 FF.	16	27	73	46
Tax evasion (1 million FF profits concealed)	17	29	70	47
Terrorist attack on public building (no one wounded)	18	32	67	45
Illegal police custody	19	32	65	44
Private use of heroin (injection)	20	38	60	47
Unfair dismissal of union representative	21	35	62	41
Exhibitionism	22	41	57	42
Smoking of haschish	23	42	56	44
Stealing parked car on street	24	41	59	34
Fraudulent naming of wine	25	42	57	34
Shopkeeper not notifying all earnings for tax purposes	26	35	53	31
Sexist discrimination in hiring	27	46	50	30
Illegal presence of foreigner	28	60	36	21
Sexual intercourse major/minor age 14	29	66	31	17
Sale/dispay pornographic books	30	70	27	15
Plumber working on black economy	31	72	26	13
Demonstrators refusing to disperse (despite police order)	32	71	25	11
Theft of scarf in shop	33	78	21	10

(*) The sums do not necessarily total 100 : the column "no response" is not shown there