

# FRENCH RESEARCH ON CRIMINAL JUSTICE

## Appraisal and synthesis

It is not easy to achieve an overall picture of this field, since its objects are heterogeneous and produced in widely dispersed units. The purpose of the present study is to provide a synthetic overview, and an appraisal, with special emphasis on the social sciences.

The appraisal concentrates mostly on research on adults since 1985-86, despite the fact that the functioning of the criminal justice system is much the same, broadly speaking, for people of all ages, and that the criminalization of certain acts, as well as any explanation of the latter, when attempted, scarcely differ with age.

The first step involved making as comprehensive as possible an inventory of the work produced by scientists in this field. A first scanning of these documents was followed by the appraisal and synthesis themselves. It is this second phase that is discussed in the research report<sup>1</sup>.

From the mass of paper collected during the first phase, the most significant work was extracted ; that is to say - with all due caution - the research believed to have the greatest added scientific value, or to have produced a really new piece of knowledge, including work that opened up a new area or introduced a new conceptualization of a problem, yielded new information or perceived either a change in criminal justice policy or something new at issue.

Jurists, sociologists and historians produce the overwhelming majority of studies, with psychologists and clinicians far behind, while demographers, anthropologists and political scientists have made a spectacular breakthrough here. Work is produced within a variety of institutions : whereas the CNRS departments and universities are most productive, a number of administrations and private centers do participate actively.

Our appraisal is divided into three parts :

- research in the field of criminal law and criminal justice policy (by Jean Pradel). The author points out that while scholars are active, and comment new legislative texts and judgments speedily, exhaustively and accurately, their approach is, conversely, overly descriptive and unimaginative, apparently relatively incapable of foreseeing oncoming changes. This shortcoming could be surmounted, inasmuch as there are many researchers with training in commentary and easy access to the sources of the law. Furthermore, several periodicals specialize in this field.

- Research in psychology within the criminal justice field (by Nicole Boucher). The author shows the relative scarcity of French studies, although they do cover all aspects of clinical psychology. This situation, which contrasts with the abundant work done in other countries, is accounted for by a

lack of resources, the difficulty experienced by psychologists in gaining access to this field, and a specialized journal. In short, psychology has penetrated the criminal justice universe. Last of all, recent studies seem to have encountered difficulties in opening up new areas and defining new objects.

- Social science research within the criminal justice field (by Jean-Marie Renouard), discussed below.

## SOCIAL SCIENCE RESEARCH ORIENTED WITHIN THE CRIMINAL JUSTICE FIELD

To summarize the trend in this field, scientific research formerly directed at offenders, has swung over to the study of which society reacts to crime. For many years, the offender population was viewed as the basis for the study of offenders. Prison in itself was not deemed interesting - recently has it been studied - it was a laboratory in which a specific group worthy of attention was maintained. When the realization dawned that this group is only a small fraction of the offending population, and that commission of an offence is not enough to send one to prison, two new research focuses developed :

- The first concentrated on how criminal justice functions. It aimed at uncovering the mechanism of the latter, through a study of the process to which the different types of crimes are submitted. This line of study is illustrated by the evolution of a number of different "careers" within the process of offences, as well as by the analysis of relations between the police/public prosecutor and public prosecutor/the judge. Reflection on the precautions to be taken prior to the interpretation of crime statistics goes along the same line.

- The second delved into representations of criminal justice responses by the criminal justice system, the argument being that input to the latter depends partially on the public. Research showed that the public knows little about the functioning of the justice system. It discovered that the perception of the seriousness of a crime varies, at any given period, from one social group to another, and also changes over time. Hence, with the exception of a few offences, there is no consensus as to priorities for crime control.

Two other lines of study have been developed recently. The first has focused on the activity of agencies that work upstream and downstream of the criminal justice scene itself, the scientific investigation of prisons and the police (the latter being an essential intermediary between the public and the justice system). The second has taken three courses :

- One has evidenced and analysed the role of administrative agencies in the penal treatment of environment-related, fiscal, labour-related and other offences. Writings have pointed out that administrative treatment is more negotiable than like control. The present hypothesis is that the administration and the criminal justice system tend to be complementary rather than in competition.

- Another one has concentrated on victims as actors in the criminal justice process, and as demanders of safety. Formerly used to quantitate offences, the concept of the victim is now applied to the analysis of relations with other actors on

1 - Renouard, J.M. ; Pradel, J. ; Boucher, N. *La recherche française dans le champ pénal, bilan et synthèse*, Paris, CEDAS-Ministère de la Justice, 1992.

crime scene. There is an attempt to uncover the various strategies behind the several resources resorted to by victims : out-of-court settlement with the offender, appeal to the police, taking the case to court, recourse to insurance.

- Last, the third orientation focuses on the study of how criminal justice norms are produced, and attempts to provide food for thought on the relations between these norms and social norms. The evidencing of several types of normative systems and the study of their consonance or dissonance will probably be one of the high points of this orientation. This is also an attempt to stimulate a fresh criminological approach to crime.

### A FRAGMENTED RESEARCH FIELD

For about a decade, there has been considerable hesitation as to what questions should be asked, and what responses given. For instance, formulations in terms of acting out, which had seemed to have disappeared once and for all, are re-emerging.

The theoretical fragmentation goes hand in hand with dispersed objects and methods. In sociology, for instance, there have been candidates for every single orthodox model and method in the field. Furthermore, the social sciences now all have invested in this discipline to varying extents.

Two points are clear, *at present* : the theories of social control and domination, in the extremely virulent forms they donned in the 1970s, have disappeared ; various actor-centred theories are now in use.

This partially accounts for the heterogeneity of writings : on the one hand, there are highly specialized studies with empirically grounded conclusions, dealing with a restricted area within the criminal justice field, which are informational but often lacking in scope, like the work on correctional demography or the quantitative and economic approaches to the functioning of justice. On the other hand we find more theoretical work, able to anticipate change but insufficiently grounded in empirical data, such as the writings on normative systems, the new forms of social regulation or the crisis in justice. In other words, there is a retreat into empiricism on the one hand and a theorization process that is still searching for its identity on the other hand.

The period covered by this appraisal is transitional in two respects, then.

There is a hesitant transition to new paradigms and a changeover to new objects of research - the dynamics of new forms of criminal justice regulation, victims, mediation, the creation of criminal justice norms, the police, private security systems, prisons, traffic offences, the sociology of the legal professions - which is no doubt what makes this such a lively field.

There is no way of foreseeing where the issues opened up in the second half of the 1980s will go, however, particularly since some, such as white collar crime, have already been partially closed down ; other themes such as private security, victims or insecurity do not attract the attention they deserve, while others are still awaiting someone to lay the first stone : this is the case of the evaluation of crime prevention programs.

Also, some promising areas have been broached, only to be abandoned thereafter, some programs announced with no effective research done thereafter, and some redundant approaches applied. In addition, there is insufficient communication of findings in this field, as in the social sciences and the humanities in general, at a time when the subjects with which they deal are politically essential.

Several factors account for this state of affairs :

- The shortage of means and personnel, and the lack of a tradition in training for research on such subjects ;
- Erratic, insufficiently integrated planning of research, which cannot yield a process by which knowledge is accumulated ;
- Incomprehension between scientists and practitioners, by no means uncommon in other fields as well ;
- Rivalry among research institutions and universities, grounded in political stances, for which crime and responses to crime are particularly apt subjects.

And yet, controversies over options for crime-related policies, the constant upcropping of the theme of insecurity, the debate on the role of the State in protecting individuals and property are all subjects requiring dynamic, sustained research. Since scholarly interest and competency do exist, if the quality and seriousness of a great many studies are any indication, it is probable that an increment in resources is all that would be needed to foster dynamic research on these issues in France.

**Jean-Marie Renouard**

For further information, consult :

RENOUARD (J.M.), PRADEL (J.), BOUCHER (N.), *La recherche française dans le champ pénal, bilan et synthèse*, 1992.