

BOOK REVIEW

Crime and Justice: A Review of Research (Vol. 30)
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PRESS, 2003) 521 PAGES. PRICE: US\$54.00.
ISBN: 0 226 80862 9

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In what might well be the most robust and valuable contribution to date, Volume 30 of *Crime and Justice A Review of Research* provides a signal understanding of the state of inquiry and knowledge surrounding some of the most significant criminological debates yet undertaken, with ground-breaking attention to the emerging areas of international trafficking in stolen vehicles and the question of police profiling.

To those not yet familiar with this remarkable series, it will be advantageous to point out that under the direction of Professor Michael Tonry, the Director of the Institute of Criminology at Cambridge University, and guided by an editorial board chaired by Dr. Norval Morris, a number of review essays are selected in order to demonstrate the progress in the field of criminology that will be of interest to not only the members of this discipline but also policy makers in general, and to researchers and scholars in the related fields of sociology, economics, psychology, psychiatry, etc. The most recent edition discusses women's imprisonment, long-term historical trends in violent crime, the issue of sentence severity, the paradigmatic criminal career, labour racketeering and the question of procedural justice and legitimacy, not overlooking the issue noted earlier concerning automobile theft. Once again, the authors are notable for their erudition, the breadth of their scholarship and the ease with which they align research endeavours from a host of sub-specialties to alert us to trends in research, to emerging questions that will animate the principal debates of the coming years, and the concomitant challenges to heretofore-orthodox views and positions.

Having sketched quite general observations so far let me now draw particular attention to some of the major contributions found in this excellent book to better illustrate the closely reasoned conclusions that it contains. Firstly, I wish to under-

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line the assistance to be derived from a study of *Sentence Severity and Crime: Accepting the Null Hypothesis*, by Anthony N. Doob and Cheryl Marie Webster at pages 143-195. In few words, the authors sought to question whether changes in penalties affect crime rates. Indeed, in so doing they have once again demonstrated that there is little or no consistent evidence that harsher sanctions reduce crime rates. Although the conclusion they have drawn is not remarkable, so far as it goes, I suggest that they have marshalled the information and evaluated the evidence with somewhat more rigour than is often the case, but not in such a way as to hinder or frustrate the ability of the casual reader (such as myself) to follow clearly the steps of their argumentation and to be led quite naturally to adopt the soundness of the opinions espoused in their essay. A simple example is called for: at pages 170-173, the question of studies marked by conclusions seemingly at odds with the data is debated in a fashion that underscores how easily data may be misinterpreted. The object is not to demonstrate the wisdom of one school of thought over another but merely to assist us in being able to examine the literature in a critical way. By way of image, I was able to look over the shoulders of the author while they reviewed the various studies and to follow their pencils as they underlined various flaws in methodology, approach, or in the formulation of conclusions. In short, those interested in a sound examination of the “merits” of “three-strikes” legislation, or of publicity in law-making or penalty-applications, or of an offender’s thought process would do well to read this superb essay.

In the same vein, I commend in the highest terms Professor Tom R. Tyler’s exceptional article, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, at pages 283-357. Two areas are especially worthy of note: the issue of profiling and the manner of ensuring legitimacy in formal proceedings.

Turning firstly to the question of racial profiling, one of the most controversial in contemporary policing and criminal justice, and containing the seed for the destruction of whatever progress has been realized as between the agents of authority and members of minority groups, Professor Tyler’s sets out a *tour de force* analysis at pages 324-346 of the obvious and invidious elements of this form of abusive conduct. In turn, we are made to understand easily how different techniques and modes of reasoning may be selected resulting in tremendous benefits accruing to the police, and thus to the community as a whole, merely by treating people fairly and being seen to do so.

Secondly, as a judge and an instructor in the field of policing, I was dumbstruck by the number of practical (and easily implemented) suggestions touching upon the conduct of criminal trials and of other elements of the adversarial process that are contained in this thoughtful essay. Of course, these were presented as powerful but fair criticisms of how the Courts and the police operate but I have taken them as “helpful hints” to the wise. I commend in particular the thorough discussion of the “psychology of deference” and the techniques that may lead to “self-regulatory motivations”, all within the overarching principle that procedures must be viewed as fair. See pages 298-301 in particular. Further research in the future might include the insights advanced by Robert Nield in his superlative text *Public Corrup-*

tion: *The Dark Side of Social Evolution* [Anthem Press: London, 2002], as to the disrespect fostered by the perception of mendacity in the sphere of public life.

Alex R. Piquero, David P. Farrington and Albert Blumstein penned the third and final essay that I wish to discuss, constraints of space inhibiting a more thorough review of the other contributions. *The Criminal Career Paradigm* is an exemplary discussion of what is one of the most difficult issues for penologists: what is the interplay between risk and protective factors? Stated otherwise, what is the state of research respecting "... the three general orientations for crime control strategies: prevention, career modification, and incapacitation." See page 380. By way of insight only, I refer to the discussion found at pages 390-392: *Does Prior Behaviour Reflect Differential Propensity, a True Causal Effect, or Both?* The research lends data in support of the proposition advanced, which to the writer and so many others not trained in the social sciences is a salutary development, as we have been encouraged for so long to accept pithy pronouncements such as found in Nigel Walker's *Why Punish?:* "Nothing predicts behaviour like behaviour..."¹ The point is not whether the statement is correct, but rather how one may evaluate the merits of this proposition.

In closing, Volume 30 of *Crime and Justice* is an indispensable research tool and I look forward to the further contributions in this series. The most recent contribution in the series is Volume 32, also published by University of Chicago Press.

¹ Oxford University Press: Oxford, 1991. Refer to page 40 and to the footnote which refers to W.C. KVARACEUS, *ANXIOUS YOUTH* (Columbus, Ohio, 1966). Refer as well to page 119 of Professor Walker's memoirs, *A MAN WITHOUT LOYALTIES A PENOLOGIST'S AFTERTHOUGHTS* [Barry Rose Law Publishers Ltd: Chichester, 2003], where this notion is discussed further.