BOOK REVIEW

UNDERSTANDING PSYCHOLOGY AND CRIME: PERSPECTIVES ON THEORY AND ACTION BY JAMES MCGUIRE (OPEN UNIVERSITY PRESS, 2004, BERKSHIRE, ENGLAND)

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The Preface of Professor McGuire's book cites a well known but unnamed criminological researcher who once remarked, that he 'had never had much use for psychology'.[1] I found this passage intriguing as it echoes the general view of most of my colleagues on the Bench and at the Bar. No doubt, like myself, they have had little or no training in psychology (or, for that matter, in the social sciences) and have always been somewhat sceptical of the claims of psychologists to enjoy insights into human behaviour of offending. In an effort to verify whether my own doubts on the subject of psychology's practical contributions to criminal justice, penology and sentencing were reasonably held, I set out to study *Understanding Psychology and Crime Perspectives on Theory and Action.* Having completed this enjoyable task, as it turns out, I am pleased to report that the author's in-depth treatment of the subject matter in readable English has been quite instructive in making plain a number of sound, well grounded beliefs surrounding human behaviour and, more to the point, an impressive analysis of many so-called pathways to offending and 'criminogenic risk factors' and how best to address them in sentencing, not to speak of psychological insights valuable in the evaluation of testimony.[2] Throughout the book, the author has been successful in

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[1] It is noteworthy that Dr. Nigel Walker, one of the best-known penologists in terms of references in sentencing judgments in Canada, together with Dr D A Thomas, undertook a doctoral thesis in psychology and philosophy on 'The Logical Status of the Freudian Unconscious'. See Nigel Walker, *A Man Without Loyalties A Penologist's Afterthoughts* (2000) 65.

[2] Interested readers may wish to consult my articles touching on the evaluation of credibility based not on psychology, but on literature, in 'Evidence of Demeanour: Some Instruction Found in the Early Works of Georges Simenon,' (Winter 1998) 21(4) *Prov. Judges J* 5-23. [http://www.trussel.com/maig/demeanour.htm] and 'The "Third Degree" and Police Interrogations in the Novels of Georges Simenon', posted

demonstrating that 'virtually any problem will require multiple perspectives to be amply understood' and that our ability to comprehend the problem of crime will remain inadequate if we dismiss or neglect the fact that individual psychological factors affect the decision whether to offend or not.[3] Indeed, I commend the simple illustration of this basic truth offered at page xiv:

> [A]nother researcher proposed that the recorded increase in crimes of burglary in England and Wales during the years 1980-1982 had been caused by the economic recession of that period. That may indeed have been an important factor. But exactly how did it have its effect? Did the perpetrators of the 200,000 additional burglaries assemble in Hyde Park and jointly decide to embark on a breaking-and-entering spree? Or did their changed circumstances, and their perceptions of and reactions to them, lead to numerous separate decisions to commit a property offence, filtered through each individual's own psychological processes? Why did many other individuals, also afflicted by economic hardship, not resort to burglary during the same period?

Leaving aside these general observations, it will be of interest to address the major themes discussed in this text, in order of appearance, if you will. Hence, the major contributions of Chapter 1, 'Why Psychology?', are found at pages 3-5 touching upon the definition of crime[4] and the importance of the underlying social and cultural construction of this notion, together with the observation that '[t]here is very little psychological research on corporate crime or money laundering, on the dumping of toxic waste', at page 5 in particular. Secondly, I derived great advantage from the discussion at page 7 touching upon the fear of crime versus the objectively measured risks of becoming a victim. Thirdly, I wish to underscore the wide-ranging discussion wherein the author, a professor of Forensic Clinical Psychology at the University of Liverpool, provides general information on psychology for readers newly acquainted with this field of study.

In addition, the outline and structure of the chapter encourages one to continue to study the book's lessons by reason of the ease of reference that is afforded. In fact, each chapter includes a well written yet concise introduction, enhanced by a number of clear summaries to ensure that the reader remains

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in Alan D Gold's *Netletter*, Quick Law, ADGN/98-063, May 22, 1998. [http://www.trussel.com/maig/interrog.htm].

[3] J McGuire, *Understanding Psychology and Crime: Perspectives on Theory and Action* (2004) xiv-xv.

[4] See my review of Law Commission of Canada, *What Is A Crime?* (2005) 43 *Alberta Law Review* 489-493.

fully oriented as to the pedagogical objectives undertaken and yet to be encountered and, as well, I was grateful for the inclusion of a glossary of key terms and concepts, and for the suggested additional readings.

The first chapter serves to introduce the reader to the notion of criminological psychology and how this specialized sub-branch of psychology devoted to the study of explanations and understanding of offending behaviour, fits within psychology as a whole. Accordingly, we are made to understand quickly how significant may be the contribution that psychology can make to a number of key questions in criminology. Furthering this introductory discussion, Chapter 2, 'Accounting for crime', presents a broader discussion of how psychologically based approaches to understanding crime are related to approaches that originate from other sources inside criminology, and how they may be assembled together in a genuinely integrative account. As we read at page 27: 'To grasp the potential contributions of psychology to understanding criminal activity, it will be helpful to begin by locating such explanations alongside others that have been proposed across the field of criminology.' This chapter succeeds in illustrating how a number of explanations can co-exist with and complement, rather than be compelled to compete with, viewpoints that emphasize political, social, or community influences.

I found particular assistance in the review of neutralization theory at pages 31 and pages 38-41. Stated briefly, these are the voices we hear when we wish to engage in anti-social behaviour and they command not respect for laws but means of avoiding self-censure, etc.

Interested readers may profit from a review of recently published work by M E Ezell and L E Cohen, *Desistance From Crime Continuity and Changes in Long-Term Crime Patters of Serious Chronic Offenders* [Oxford University Press: Oxford, 2005], especially at pages 12-53. In addition, I invite readers to consider the burial passage in John Steinbeck's sublime novel, *The Grapes of Wrath*, in light of the comment at pages 31-32 that 'The dominant class in a society formulates and administers the law in a way that serves its own interests.' You will recall that 'Grand'Pa' Joad is buried secretly in order for the family to avoid the rule requiring a hefty payment of money in the case of a burial licence, as set out in chapter XIII. Thus begins the slow transformation away from respect for society's laws. In time, the author succeeds in delineating the psychology that undergirds the process whereby familiar laws are upset in favour of the laws regulating family and community life. Recall as well how the young cleric in Emile Zola's *La Faute de l'Abbé Mouret* is transformed from a religious zealot wholly devoted to his flock and

to the Virgin Mary to being wholly unconcerned with anything other than his love for the young and 'primitive' parishioner.

The next chapter, 'Psychological processes in crime', is of interest in providing a more detailed account of the contribution psychology can make to understanding acts and patterns of crime, and in particular, what might be the internal processes at work within the offender. In sum, the author guides us in our understanding of the kinds of psychological events and processes that are likely to be involved in the genesis of the wrongdoing and, in certain cases, in persisting in anti-social behaviour. The author makes plain that much of the chapter guides us in understanding a general psychological theory applicable to a wide range of human action. Thereafter, we are taught a superb model expressing the variables mediating the relationship between socioeconomic status and crime with particular emphasis on 'negative mediators' and 'positive mediators'. Note especially this passage taken from page 67: 'What we call our intentions are directly influenced and can be predicted by patterns of past behaviour.' In this respect, allow me to point to Professor Nigel Walker's pithy comment: 'Nothing predicts behaviour like behaviour.' [5]

Chapter 4 addresses selected types of offending behaviour and points to a variety of evidence to underline how the general model described in the prior chapter may be apt to understand fully specific classes of criminal acts. In fact, Professor McGuire assists us in exploring the roles of social learning and cognition within the processes at work in four types of criminal behaviour: property offences, interpersonal violence, substance abuse and sexual assault. By 'plugging in' the model described earlier, the reader is more likely capable of achieving an understanding of how some of the offending behaviour will occur. The resulting 'snapshots' of criminality and its occurrence at particular points are quite instructive.

I wish to draw special attention to the illuminating expressions of psychology as the means of better understanding the factors that may influence the motivation towards offending, keeping in mind that for ordinary crimes of property, for example, they require little by way of effort, planning, preparation or skills, as discussed at page 77. I commend in particular the discussion surrounding vehicle-taking at page 79, which may be further enhanced by reviewing Chapter 20 of *Cultural Criminology Unleashed*, edited by J. Ferrel et al [Glasshouse Press: London, 2004], 'Stories From The Streets: Some Fieldwork on the Seduction of Speed', by H. Vaaranen.

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[5] *Why Punish?* (1991) 40.

Further, the brief but fascinating glimpse of the thought patterns of experienced shoplifters offered at page 81 is quite revealing of the type of capable guardian versus suitable target argument being determinative of the making of a willing participant. Permit me to jump ahead for a moment to page 90: 'The key point … is that whatever the environmental or stimulus conditions, it is what is going on inside someone's head that often matters most: the things people say to themselves'. In respect to violent offending, noteworthy is the earlier discussion at pages 85-88 respecting parental influences. In this vein, note the comments at page 85: 'The best prediction of the level of a child's externalizing or aggressive problems came not from direct socioeconomic indicators, but from a set of pathways involving intermediate events: patterns of interactions within the family'. Additional valuable insights may be found in Chapter 8 of *Prisoner Reentry and Crime in America*, edited by J Travis and C Visher [Cambridge University Press: New York, 2005]. Written by C. Uggen et al, and entitled 'Work and Family Perspectives on Reentry', it explains by means of a deft series of discussions the role of an offender's life course in promoting desistance as opposed to fostering recidivism. See pages 227-229 in particular. Further yet, I found interesting the observation at page 99 that 'recent work has suggested that sex offenders may not, as has been widely supposed, lack general capacity [for empathy].'

Chapter 5 is quite valuable in describing interventions that might be fruitful in attempting to reduce the frequency of re-offending. In fact, we are made to consider factors affecting individuals' journeys along some pathways rather than others, towards or away from involvement in crime. The psychology of 'familial' offending, humorously described in by Horace Rumpole with reference to the Timsons, as exemplified in 'Rumpole and the Younger Generation', in *The First Rumpole Omnibus*, [Penguin Books: London, 1983] at pages 9-48, is far more serious when envisaged through the lens of psychological criminology in attempting to differentiate why certain offenders go on to commit offences with only moderate, or low, or very low frequency as opposed to those who account for a significant degree of offending behaviour, together with their siblings and parents. The author also succeeds in explaining the importance of longitudinal studies at pages 107-113. Additional assistance will be found in the subsequently published text, *Early Prevention of Adult Antisocial Behaviour*, edited by D Farrington

and J. Coid,[6] with particular emphasis on the discussion of life-course events.I also found quite useful the brief discussion of criminogenic needs, an expression that is oft repeated in pre-sentence reports but not often well explained. In all, Dr. McGuire has drawn a successful review of the individual attributes associated with a repetitive involvement in offending, often moderated by social and contextual factors, as is well explained and illustrated.

The next chapter '6 Preventing and reducing crime', assists in understanding efforts at reducing recidivism among offenders who are within the penal system. The author traces the 'nothing works' period when rehabilitation was seen as a massive failure to then set out the milestones of the route followed by criminologists, influenced by psychology among other disciplines, to return to legitimacy if not reach ascendancy in proposing rehabilitative models. The bulk of the chapter is quite technical in nature, despite the author's obvious pains in seeking to clarify and to explain. Nevertheless, the novice reader will receive a clear foundation in terms of the kinds of methods employed to ascertain whether 'offender rehabilitation' can be achieved in practical and cost-effective fashion. The conclusion that follows, that recidivism rates may be reduced, even among firmly entrenched offenders, is defensible in light of the information advanced and the authorities that are marshaled, especially in light of the clearly-explained methods that have been shown to reduce rates of criminal acts at pages 154-169. What was the most surprising comment for me was found at page 150: 'Finally, given the well-established linkage between drug abuse and crime, we might expect that treatment for substance abuse problems would have an indirect effect on the rate of recidivism. Not so: evidence in support of substance abuse treatment or drug abstinence programmes as a means of reducing recidivism among young offenders is unexpectedly weak.'

Chapter 7, 'Crime and punishment: a psychological view', reminds us of the failures associated with the notion of punishment as a means of obtaining reductions in criminal behaviour. In particular, attention is drawn to four elements the study of which is essential to the proper evaluation of sentencing. After reviewing the different rationales underpinning punishment, a range of findings is examined that call into question the value of sanctions

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[6] [Cambridge University Press: Cambridge, 2003]. See my review in (2005) Vol. 9(3) *Canadian Criminal Law Review*) pp. 393-395.

as an effective way of achieving the protection of society. Thirdly, the author seeks to explain why society continues to embrace the notion that punishment deters, notwithstanding the evidence to the contrary. And, finally, we are helped to understand why 'society's chief weapons in the 'war on crime' abjectly misses its intended target', as noted at page 172.

At the conclusion of the chapter, we are better positioned to understand that although psychology has traditionally had little connection with penology, in fact, much of the lack of success for sentencing may be explained on the basis of psychological evidence, and in particular, why sentence severity and rates of recidivism do not appear to be aligned. Once again, it is attributable in the main to the 'stories offenders tell themselves' respecting either the likelihood of detection or the potential harm of sentencing. As made plain at page 195, 'when deterrence works it appears most likely to do so with the people who need it least, and least likely with the people who need it most!'

In this respect, one may be excused for stating that greater attention ought to have been paid to the pains of imprisonment component of the sentencing dynamic. Recent texts of interest include *The Effects of Imprisonment*, edited by S Maruna and A Liebling, [Willan Publishing: Cullompton, 2005] and *The Virtual Prison Community Custody and the Evolution of Imprisonment*, by J V Roberts [Cambridge University Press: Cambridge, 2004].[7]

The concluding chapter bears the title 'Applications and values'. Professor McGuire sought, and in my view, succeeded in surveying the kind of applications that psychology can contribute in addressing problems of crime and the administration of justice, notably the work of police investigators at pages 200-202 seeking to establish profiles of offenders,[8] as well as pointing to certain ethical issues that arise in the work of psychologists in the context of assisting offenders. I commend in particular the novel observations consigned at pages 205-207 respecting professional training for sentencers to assist us in selecting proper and fit sanctions taking into account the relevant research literature. Indeed, I have published two texts on sentencing and yet I would be thankful to receive further assistance in understanding the psychological elements of the collateral harm incidental to incarceration that Mr Justice Rosenberg spoke of in *R. v Wismayer*[9]:

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[7] See my review in (June 2005), 50(3) *Criminal Law Quarterly* 349-356.
[8] See my review of *Natural Born Celebrities Serial Killers in American Culture*, by David Schmid, in (July 2005) 130 *Library Journal* 99.
[9] (1997), 99 O.A.C. 161, 115 C.C.C. (3d) 18 [50].

> The enactment of the conditional sentence regime represents a concession to the view that the general deterrent effect of incarceration has been and continues to be somewhat speculative and that there are other ways to give effect to the objective of general deterrence. General deterrence is not a sufficient justification for refusing to impose a conditional sentence. In view of its extremely negative collateral effects, incarceration should be used with great restraint where the justification is general deterrence. These effects have been repeatedly noted with depressing regularity.

In Canada, it is noteworthy that the employment of psychologists in correctional facilities has reached unprecedented numbers and that the resort to standardized risk/need assessment techniques is remarkable. See page 88 of 'The liberal veil: revisiting Canadian penalty' by D Moore and K Hannah-Moffat, chapter 5 of *The New Punitiveness Trends, theories, perspectives*, edited by J Pratt et al. [Willan Publishing: Cullompton, 2005].

As to the psychology of prison life, I am reminded of the words of Roger Caron at page 108 of *Go-Boy! Memoirs of a Life Behind Bars* [McGraw-Hill Ryerson Limited: Toronto, 1978]: 'By the time I had served one year behind the walls of Kingston Penitentiary, I was a mass of inner hostility, a bubbling volcano of bewildering emotions.' In this respect, I commend as well 'Psychology and crime: understanding the interface', by Dr. Keith Hayward, being Chapter 6 of *Criminology,* edited by C Hale et al [Oxford University Press: Oxford, 2005]. The discussion of the psychoanalytical theories of crimes at pages 113-115 is superb, as is the 'pyramid' diagram of Freud's notion of the psyche at page 113.

In conclusion, *Understanding Psychology and Crime Perspectives on Theory and Action* provides an enriching and thought-provoking discussion of the multiple relationships between psychology, criminology and criminal justice policy and practice, as well as many quite valuable lessons for the evaluation of policing and of credibility. Indeed, psychologically based interventions appear to be effective in reducing criminal recidivism in certain defined instances and situations, and we ignore such guidance to our peril. In the final analysis, however, I have no doubt that I will refer from time to time to the book's teaching on the subject of psychological theory and research as an adjunct to sentencing as it contains a signal number of guideline propositions that are necessary to gaining a full understanding of the contributions of the science of psychology, and they are not few in number, to the selection of a fit and proper sentence.