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Directing the Development of a University Centre of Criminology

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I. Introduction

The original seed out of which the University of Toronto's Centre of Criminology grew was a proposal that I drew up while teaching a course in criminology as part of the LL.B. curriculum in the Faculty of Law at Dalhousie University in 1958-59.¹ The proposal reviewed the extent of criminological teaching and research in Canada, and drew particular attention to the lack of implementation of the recommendations of the Fauteux Committee — a committee established in 1956 by the Canadian federal government to study the country's penal system and to make recommendations for change and improvement.² In its report, the Fauteux Committee had reiterated the exhortations of the Archambault Royal Commission, in 1938,³ that the universities in Canada should become actively involved in the education and training of persons suitable to serve in the penal system.

In my proposal, I advocated the establishment of regional institutes of criminology in selected Canadian universities. I emphasized the need for such institutes to adopt a broad interpretation of criminology, not limited just to the study of penal institutions and correctional practices, but including the study of crime, the criminal law, the administration of criminal justice, deviant behaviour, sentencing and the treatment of offenders, as well as the contributions of the forensic and medical sciences to an understanding of the phenomena of crime. My proposal was

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1. Details of the course syllabus are contained in Edwards, *Canadian Teaching and Research in Criminology* (1959-60) 13 Univ. of Toronto L.J. 214 at pp. 216-226.

2. *Report of a Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada* (Ottawa: Queen's Printer, 1956).

3. *Report of the Royal Commission to Investigate the Penal System of Canada* (Ottawa: Queen's Printer, 1938).

discussed sympathetically by my colleagues on the faculty council who were naturally conscious of the financial drain on the Law School's budget that the implementation of these ideas would entail. I was authorized to explore the possibilities of outside funding and with this in mind I approached the federal Department of Justice in Ottawa. In due course, I met with the Minister, Hon. Davie Fulton, who expressed considerable enthusiasm for the ideas embodied in my proposal but cautioned me that, in political terms, it would be out of the question for the federal government to provide financial support for a criminology institute at Dalhousie University without according an equal measure of public funds to the other regions of the country.

When, accompanied by Dean H.E. Read, I reported on my visit to Ottawa, the President of the University of British Columbia, Dr. Norman MacKenzie, happened to be present in the office of the President of Dalhousie University. Dr. MacKenzie made very clear his determination that, whatever funds might be forthcoming to launch a Dalhousie Institute of Criminology, these would have to be duplicated by the Justice Minister in support of a similar venture in his university. In short, it became very apparent that the time was not opportune to press forward with my proposals at Dalhousie Law School. This background needs to be borne in mind when reading Professor John Willis's account, in his *History of Dalhousie Law School*,⁴ as to the fate that befell my original suggestion. Moved to seek a wider discussion of the ideas that I had incorporated into my initial memorandum, I expanded the paper considerably and it was subsequently published in the University of Toronto Law Journal.⁵

Several years later I discovered that the Law Journal article had struck a responsive spark in the corridors of the Ontario government. At the initiative of its then Attorney General, Mr. Kelso Roberts, a meeting was convened on March 21, 1962, to which were invited the deans of the faculties of law, medicine, and social work in each of the Ontario universities, as well as interested judges, lawyers, and correctional administrators. As a result of this meeting and the negotiations which followed it, an invitation was extended that would have required me to head not one but two new institutes, to be established within the University of Toronto — an institute of criminology and an institute of medicine, law, and

4. *Op. cit.*, p. 198.

5. See, *supra*, fn. 1.

science. With some persuasion, I was able to convince the university authorities that the responsibility of establishing an institute of criminology would be burden enough for one man, and so the Centre of Criminology was born.

II. The Multi-Disciplinary Character of the Centre, and its Relationship to Other Parts of the University

At the very outset I insisted that I would only accept the job of establishing a Centre of Criminology if it was an independent centre, not under the aegis of any single university department or faculty. I believed, and still believe, that, having witnessed the emergence of an impressive array of centres and institutes in other Canadian universities and elsewhere, this is a consideration of the greatest importance. At the same time, when one looks at the various models and approaches which have been adopted in developing other centres and institutes, I readily acknowledge that such diversity is a healthy phenomenon. I would not suggest that any one of these approaches is necessarily the "right" approach, and it may be that some of the more basic lessons to be learned about this kind of enterprise will only be derived from looking at the experience of a whole range of different solutions.

My own view of the broad nature of criminology led me to believe that the University of Toronto's Centre of Criminology should, for administrative purposes, exist outside such divisions as the Faculty of Law, the Faculty of Arts and Science, and the Departments of Sociology and Psychology, any one of which might rightfully claim to have a special responsibility for the development of criminology as an offshoot from its particular discipline. However substantial the contributions may have been by those disciplines referred to above, which emerged at an early stage as the bodies of knowledge and training establishments from which the new specialists would step forth, it was always an open question in my mind as to where the future contributions would originate. I was not prepared to close the door peremptorily and leave the sitting tenants with exclusive possession to the territory of criminology. If my twelve years as director taught me one thing, it was to confirm the wisdom of this early decision. Over that period of time the Centre has benefited from the contributions of members of such disciplines as history, economics, law, sociology, psychology, philosophy, medicine, biology, anthropology, political science,

computer science, religious studies, pharmacology, and clinical biochemistry. It is difficult to imagine what part of the university would not be able to make some useful contribution in this field. I well remember that one of the first telephone calls I received as director was from a professor in the Department of Zoology. I asked him if he was quite sure that he wanted the Centre of Criminology. "Yes," he said, "I have a problem concerning nature conservation and the use of criminal sanctions." That quickly resolved my initial doubts.

In insisting on an independent position for the Centre within the university, thereby depriving the fledgling new division of the financial protection of a well established faculty, I was not so impractical as to think that problems of a different nature and magnitude would not have to be met. Apart from the ever-present financial considerations, there were the important dimensions of being an integral part of the academic community — the simple need to feel proximity to colleagues with whom it is always possible to discuss problems of mutual interest. In some faculties, this knowledge, that one is surrounded by persons who generally share the same basic philosophy so far as the particular discipline is concerned, is part of the essential sustenance of academic life. Indeed, in the initial years when I was able to fulfil the normal teaching responsibilities as a professor in the Faculty of Law, as well as being the director of the Centre, it was far from easy to demonstrate to my law school colleagues the need for the Centre to establish itself away from that kind of comfortable academic surroundings and in a physical location that reflected the "independent" character of the Centre.

Conversely, a very real problem which has to be faced by such a multi-disciplinary institute is the danger of isolation. It is not healthy for a small group to feel isolated from the rest of the university community in their daily activities. This is dictated not only by questions of morale but also in having the opportunity to keep informed as to what are the emerging problems, viewed in a wider setting. This vital stimulus is not available to someone who works, day in and day out, within the confines of an institute located apart from the core of the academic life of the university. Without this sense of involvement and access, there develops a tendency to become inward-looking and to ignore the infinite resources — human, scholarly, and otherwise — which the university has to offer.

The actual physical facilities in which the Centre is housed are scarcely less important in this respect. Of these, the library is of the greatest significance. When the Centre was first established there was considerable resistance on the part of the university's library administration to the establishment of a separate multi-disciplinary library collection within the Centre itself. With the backing of a sympathetic university president, I was able to establish such a library, which now represents a unique collection on the North American continent and continues to be a vital asset of the Centre. Providing for the growth of this library and maintaining its independence from the continuing efforts to have the collection completely absorbed into the university's main library holdings were major preoccupations during my twelve years as director. Now that the Centre is located in the very building that houses the main social sciences research library of the university, there have been no serious overtures towards a take-over and the Centre's library remains an independent entity, with its librarian and staff appointed by and responsible to the director of the Centre.

III. *The Executive and Advisory Councils*

Critical to the development of the Centre as a multi-disciplinary institute were the Executive and Advisory Councils, which I established at the outset to assist me as director. The underlying purpose of the Executive Council was both to demonstrate and foster involvement with the wider university community. The Executive Council was composed of individual members of other faculties and departments within the university, whose interests were sympathetic to the development of a multi-disciplinary Centre of Criminology. Appointments were made after consultation with the pertinent head of each department. The original composition of this internal body included members drawn from the departments of law, psychology, psychiatry, anthropology, sociology, and social work. Later, as interested colleagues were identified in other divisions of the university, such disciplines as history, political science, pharmacology, and biochemistry came to be represented on the Executive Council.

The importance of this strategy was several fold. It broadened the base of understanding and collaboration on the part of the wider university community. This was particularly important in obtaining research guidance and expertise, and when issues of academic

development had to be addressed. In times of severe financial restraint, affecting the university as a whole, the Executive Council was able to provide an added voice on behalf of the Centre in influencing the decisions of the higher university councils. For a Centre which was not based administratively within any single faculty or department, this last consideration was of real significance.

The Executive Council also served to facilitate the cross-appointment of teachers from other departments to participate in the Centre's M.A. programme, which was established in 1971. The new graduate programme engendered a growing interest on the part of established scholars and researchers in directing their energies to the study of problems relating to crime and the administration of criminal justice. It also fostered involvement in the expansion of the Centre's library as a multi-disciplinary collection, with the result that recourse to the library has extended far beyond the full-time students registered within the Centre's own teaching programmes.

Complementary to the internal Executive Council was the Advisory Council. The composition of this latter council was guided by the need to reflect different points of view from across Canada. I always felt that the Centre should be nationally known and not become too parochial in its outlook. Financial constraints often precluded the realization of this goal in terms of the Centre's research. The Advisory Council was also intended to reflect the main components of the criminal justice system. Thus it included members of the judiciary, ranging from the provincial courts to the Supreme Court of Canada. The police perspective was amply represented by the Commissioner of the RCMP and the Chief of Police for Metropolitan Toronto. The penitentiaries and the parole and probation systems were also represented, as were the branches of government concerned with justice and mental health.

One word of explanation is called for at this point. In no case was an invitation extended through the president of the university to prospective council members to sit in a formal representative capacity. They were invited as individuals to participate as individuals. During my first month as director, I was faced with the delicate task of resisting the overtures of a Minister of the Ontario Government who clearly felt that his department should be offered a seat on the Advisory Council in exchange for a financial grant that was being negotiated at the time. My response to these overtures was that this was not the appropriate basis on which either funds

should be accepted by the Centre or positions on its Advisory Council should be filled. In this regard, I received the unqualified support of the president of the university.

Members were, of course, free to speak as they chose as individuals, and to take back with them whatever views and reactions about the Centre and its work that they saw fit, and this was well understood. To witness the president of a national labour organization debating issues of academic freedom, pertaining to the Centre's research activities, with an Anglican bishop is an unforgettable experience.

Looking back, I have no hesitation in stating that the Advisory Council fulfilled an important role in the early development of the Centre. One of its significant contributions was the way its members were often able to facilitate researchers at the Centre in securing access to data. Notwithstanding the high public profile that often accompanied the publication of the Centre's research findings, and the hostile reaction of interested parties to specific projects, the Centre was never once rejected in its many requests for access to the most sensitive data. For this, the Centre of Criminology was greatly indebted to the efforts of members of the Advisory Council who were able to push doors open sufficiently for me to get a foot in, and often do considerably more.

The Advisory Council was also a pillar of strength to the Centre when we had our major crisis with the Ontario government in 1972, which I shall describe in some detail below. At that time the Council met in emergency session to discuss the problem, as a result of which its members drafted a long and well-argued letter to the Premier of Ontario, which, I have no doubt, significantly influenced the eventual outcome of that unfortunate incident.

On the occasion of the Centre of Criminology's tenth anniversary, in 1973, I established a task force, composed of full-time staff and members of the Executive and Advisory Councils, to review the organization and administration of the Centre and its programmes, and to make recommendations for its future development. Among its findings was a recommendation that the Executive and Advisory Councils should be integrated into a single Advisory Council. This suggestion has since been implemented. Under the current conditions of the Centre's relative stability, the change is one with which I am basically in agreement. I am convinced that the existence of the two Councils was of inestimable value to the survival and growth of the Centre, and that

the continuation of some sort of body of this kind remains essential to the Centre's well-being.

IV. *Funding and Some Fundamental Tenets*

Before taking up my appointment in 1963, I was informed by the president of the university that whereas the financing of the physical facility in which the Centre was to be housed and its basic administrative needs (my salary and that of my secretary) would be guaranteed by the university, the responsibility for finding supplementary funds to expand the Centre rested on my shoulders. This basic arrangement continued throughout my tenure of the directorship, although the university's contribution to the Centre's annual budget was measurably increased when the graduate teaching programme was approved and introduced in the academic session 1971-72. The burden, however, of securing the basic necessities of life to support the Centre's research programme rested with the director. As the Centre gradually developed and grew, this task came to be shared to a considerable extent by the research staff themselves.

In the forefront of my mind and actions as the founding director was a deep attachment to the fundamental principle of independence in the execution of research. This was reflected in the adoption of the parallel principle that the Centre should not allow itself to become wholly dependent, at any time, upon any single source of financial support. This tenet, I am glad to say, was adhered to even in times of dire financial crisis, and is being continued by the Centre to the present day. Furthermore, I wish to emphasize the point that the universal support accorded to these principles by all members of the research and teaching staffs invariably had acute personal overtones, insomuch as the jobs of individual researchers and support staff were repeatedly put on the line. For such unwavering support in many critical situations I shall forever remain grateful.

(a) *Funding from Foundations*

The main bulk of the funding for the Centre's research efforts came from a few foundations. The Centre's indebtedness to the Ford Foundation and to the Donner Canadian Foundation, in particular, is immeasurable. To a lesser degree, the Nuffield Foundation in the United Kingdom and the Laidlaw and Atkinson Foundations in Toronto made helpful contributions to the Centre's early expansion.

These foundations, demonstrating the breadth of the financial base that maintained the Centre in the initial chapters of its history, can justifiably take pride in having seen the Centre through many of its leanest times, though by no means the leanest period in terms of its research productivity.

With the exception of one solitary occasion, which I shall recount later, the Centre enjoyed relationships with its supporting foundations that conferred a remarkable degree of freedom and initiative in the development of research priorities and the direction of its overall programme of work. In return, the Centre followed a consistent policy of keeping the foundations fully informed of its work and the manner in which its funds were applied. This was accomplished by way of quarterly, semi-annual, or annual reports and the distribution of copies of publications emanating from the Centre to the officers of the foundations who had negotiated the funding. Periodic visits to the Centre and to the respective foundations by the key figures in the funding negotiations also provided informal opportunities for a continuing exchange of information and ideas.

(b) Funding from the Federal and Provincial Governments

Governmental support, in the form of funds from the federal and provincial levels of governments, has taken two basic forms, viz., contractual funds in support of specific research projects and annual sustaining grants. Each of these deserves to be discussed separately.

(i) Funds in Support of Specific Research Projects

The major sources of funds of this kind, which are normally based on some kind of contractual arrangements, were the Department of Justice and the Department of the Solicitor General in Ottawa. To a much lesser degree, the federal Department of Transport and the Law Reform Commission of Canada also provided funds for specific research projects. Another major agency whose investment in the Centre's research programme has become highly visible in more recent years has been the Canada Council and its successor, the Social Sciences and Humanities Research Council.

At the provincial level in Ontario, the principal ministries involved in providing funds for specific research projects were those of the Attorney-General, the Solicitor General, and Correctional Services (formerly known as the Department of Reform Institu-

tions). The provincial Ministries of Transportation and Communications, and of Education, also provided funds for workshops established by the Centre. This variety of governmental sources of financial support demonstrates what can be accomplished if a broad and imaginative approach to criminological research is adopted by a multi-disciplinary centre. I have no doubt that, in the future, the Centre will be the recipient of support from other governmental departments and agencies whose potential interest in the Centre's work has not yet been discovered or fostered.

(ii) *Annual Sustaining Grants*

The crucial importance of annual sustaining grants, as the core element in ensuring the viability of a research Centre composed of full-time researchers, was brought home to me from the very outset of my assumption of the duties of director. The dimensions of this task may be gleaned from the levels of financial support which have been forthcoming to meet the annual operating needs of the Centre. Securing sustaining support of this kind was a long and arduous task, requiring infinite patience, which took up an inordinate amount of my time and energy during each of the twelve years that the reins were in my hands. Commencing in 1963-64 with a modest \$58,000 of available funds, this annual figure rose steadily to \$220,000 in 1969-70, \$252,000 in 1972-73, and \$493,000 in 1975-76. The overall total of financial support engendered in the period of which I write was approximately \$3,500,000.

After some initial disagreements between the respective departments as to their jurisdictional territories, the Centre enjoyed, for several years, unconditional grants in support of its research programme from the Ministry of the Attorney General, of Ontario. Each year I submitted an annual report on the Centre's activities to the Attorney General, which was tabled in the Provincial Legislature. The contemporary issues of Hansard contain some interesting exchanges between the Attorney General and members of the opposition parties on the subject of the Centre. Such continuous support on the part of a sympathetic Attorney General enabled the Centre's well-known sentencing study to be seen through from beginning to end. It was fortunate for us that Mr. A. A. Wishart was the senior Law Officer of the Crown at the time, exemplifying as he did the greater concern for the public interest, notwithstanding the small returns that might flow to the benefit of his political party.

In 1972, the Ontario government changed its policy in funding research from general grant support to contractual funding of individual research projects. Commencing with criminology, this policy was soon expanded to encompass all university research. This sudden and dramatic change of direction was not accomplished without much anguish and the application of scarcely disguised pressures being brought to bear on the Centre by the Ontario government. This episode deserves fuller treatment, which I shall undertake shortly.

Achieving sustaining support from the federal government was a more demanding task. I may be forgiven in recalling how greatly my patience was tested year after year. During the early days of the Centre's existence, the federal government made a small *ad hoc* grant which assisted in the growth of the library's resources. For ten subsequent years the appropriate ministers of the Government of Canada remained utterly impervious to my attempts to convince them of the need for sustaining support of the Centre of Criminology. During the decade of which I speak, 1963-1973, the Centre could justifiably claim to be the only non-governmental research institution in Canada that was engaged in serious full-time research in the field of criminology. I argued that such sustaining support was imperative if the viability of the Centre and the future careers of both its young and experienced researchers were to be safeguarded. The principle, I think, was always understood, but was never implemented during these years.

Ministers and deputy ministers alike evinced sympathy for the cause that I espoused, but the tap was never turned on. There were times when I despaired of ever achieving what to me was always one of my ultimate goals before handing over the directorship to my successor. Somehow, I felt the Centre had to be given financial protection from the unpredictable winds of change and the strong governmental pressures that so often accompany them. All kinds of seemingly persuasive reasons were advanced in explanation of the federal government's failure to meet what I considered to be its responsibilities in this respect. Among these was a singular regard for not impinging upon the provincial jurisdiction for education. Sustaining support for the Centre, it was claimed, would create an undesirable precedent.

I persisted, however, until the final breakthrough came in 1973, exactly ten years after the founding of the Centre. The change of heart came as a result of a chance meeting with a former

Parliamentary Secretary for Justice. By the time of our encounter, he had become Minister of Finance. I had known this minister for many years and kept in constant touch with him, sending him copies of papers and reports emanating from the Centre. Following our brief exchange, he asked to be fully briefed on the Centre's financial needs. I readily and gladly complied. His apparent genuine concern to put right the grievous neglect of earlier submissions bore fruit after the usual bureaucratic delays, and in 1974 the principle of annual grants in the form of sustaining support for the Centre of Criminology was finally implemented for the first time by the Government of Canada. It truly was a red letter day in the Centre's short history.

I consider the realization of this principle of sustaining support, which has been renewed and considerably enlarged in succeeding years, right up to the present, as one of the vital elements in ensuring the stability and academic strength of the Centre. Such an institution as this must ensure that the salaries of its researchers, which are not included in the regular university budget, are sufficiently protected on an ongoing basis that the researchers feel they are given the optimum conditions in which to do serious, objective, scholarly work and to freely express independent judgements based upon their research findings. In time, I expect the university will extend tenure to worthy candidates from within the Centre.⁶ The earlier resistance that I encountered to securing adoption of such a policy was understandable in the light of the relatively short existence of the Centre and its exposed position outside the normal teaching departments of the university. Those arguments are no longer tenable, and I look to increasing recognition of the Centre's outstanding young scholars.

V. External Pressures on the Centre

Reviewing my years as director of the Centre, I cannot emphasize too strongly the necessity of such a research institution developing early in its life the cardinal principles that will guide its destiny. External pressures may be experienced from a variety of quarters and be felt at various levels of administration. Conflicts of purpose, of direction, or of priorities can emerge without warning and the

6. This principle was finally accepted in the academic year 1982-83 as having equal application to the Centre of Criminology in its own right.

adoption of a philosophy of pragmatism in such eventualities will condemn the Centre to an early demise.

In delegating the burden of raising funds to support the gradual expansion of the Centre after its initial establishment, President Bissell also gave me the responsibility of ensuring that such principles were established and maintained in the Centre's dealings with supporting agencies, be they governments or foundations. Dr. Bissell insisted only that, in the event of my encountering problems in the public sector, I should see to it that he was informed before the conflicts became public knowledge. Moreover, when problems did arise, I never looked in vain to the president of the University of Toronto for both moral and practical support.

The two main principles to which I adhered when seeking financial support from foundations and government agencies were, first, that the Centre should always retain the ultimate power to decide what kind of research it would engage in and with respect to what subjects, and, second, that the right to decide whether and when to publish the results of its research should also finally rest with the Centre and not with the funding agency. A large measure of the Centre's current reputation can, I believe, be attributed directly to its adherence to these two principles, from which it has not departed since its inception. On a few occasions, however, and happily only a few, pressures have been exerted by funding agencies in an attempt to persuade the Centre of Criminology to abandon one or another of these principles. It is perhaps worth recounting some of these incidents at this point as illustrations of how such pressures can arise and how they may be met.

As I noted earlier, the Centre's relationships with its supporting foundations was generally exceptionally good. One unexpected confrontation with the Ford Foundation did occur, however, in 1971, on the expiry of the foundation's initial grant of general support. In the course of the ensuing negotiations for renewal, the programme officer in charge of the grant urged the adoption of a research policy devoted to demonstration projects for which, it was implied, further funds would be made available. For a number of reasons, such a policy diverged markedly from the Centre's own projected programme of research. The issue developed to the point at which I was left with the distinct impression that, unless the foundation's research preferences, as promulgated by its responsible officers, were adopted, further supporting funds from the Ford Foundation would not be forthcoming. I indicated that this was not

an acceptable basis on which the Centre could accept such funds. On my return from the New York headquarters of the Ford Foundation, I consulted with my full-time colleagues and advisers on the Centre's Executive Council, who supported me in the stand I had taken. With time and funds fast running out, the outlook assumed somber proportions.

Accordingly, I welcomed the Ford Foundation's suggestion that an outside consultant should visit Toronto to review in depth the Centre's programme of research and other activities. This review was intensive, useful, and productive. Interestingly, it set the pattern for a review of other criminology research centres at the Universities of Harvard, Chicago, and Pennsylvania, which were also the beneficiaries of the Ford Foundation's interest in criminal justice. The outcome, so far as the Toronto Centre was concerned, could not have been better. It resulted in both a renewal and an expansion of the level of financial support, coupled with acceptance of the Centre's right to determine its own priorities and directions for its research programme. Furthermore, within the year, the Ford Foundation came to our rescue in a further moment of crisis, occasioned this time by the Ontario government's sudden and unexpected reversal of its research policy from grant support to contractual funding of individual projects. A few telephone calls to New York, followed by an urgent visit to the foundation's headquarters where all the staff people involved assembled to hear my account of the latest crisis that threatened the independence of the Centre, resulted in my returning to the University of Toronto with explicit assurance by the Ford Foundation that they would provide an additional sum of \$50,000, the amount which the Centre was due to lose on account of the provincial government's new stance on contractual research.

The Centre's relationship with the Ontario provincial government has not been as harmonious as its relations with supporting foundations. It will be recalled that the Ontario Departments of the Attorney General and Reform Institutions were much involved with the University of Toronto in effectuating the establishment of the Centre of Criminology in 1963. It should not, therefore, come as a surprise to learn of the lively interest shown by the respective ministers, and their senior officials, in the fledgling Centre as it sought to plan the direction of its research and teaching opportunities. Every effort was made to keep the two departments regularly informed of activities at the Centre, both formally, by

annual reports to the legislature, and informally, through periodic visits to talk things over with key officials in the two ministries.

Regretfully, it was necessary for me to reject what was a somewhat politically clumsy attempt in the early days of the Centre to secure departmental representation on the Advisory Council as the price to be paid for a renewal of the departmental annual grant. Likewise, I felt unable to implement the government's apparent wish to see the Centre become the academic "factory" through which its correctional training requirements could be fulfilled. Instead, I extended every support possible to the in-service programmes that were instituted to meet the needs of the probation and reformatory staff and, of course, the police training courses that were being launched in the newly established Ontario Police College.

Having experienced continuing delays in negotiating a renewal of the annual grants which the Centre had received, from 1963 onwards, from the Departments of the Attorney General and Correctional Services, I was eventually invited to appear before the Cabinet Committee on Justice Policy, consisting of the relevant ministers and deputy ministers. After presenting the Centre's case for the renewal of its grants, I was subjected to questioning, some informed and some not, which seemed to be getting nowhere as the clock progressed onwards. Eventually, I addressed myself to the provincial Secretary for Justice, the Coordinating Minister for the Departments of the Attorney General, Solicitor General, Correctional Services, and Consumer Affairs, and asked for a clear statement as to whether or not the Centre was to receive its annual grant. It was only then that the bomb-shell fell and I was told of the cabinet's change of policy, whereby all existing grants were to be terminated forthwith and a policy of strictly contractual research substituted for it.

I pursued at once the nature of the proposed contractual arrangements, especially in search of assurances that the freedom to publish the results of research carried out within the university would be safeguarded. This freedom, I explained, was subject to an undertaking to provide the relevant government department or departments with a reasonable opportunity to review any proposed report before publication and to point out any errors of fact or of interpretation.

To my consternation, I was informed by two of the senior deputy ministers that contractual funding was to be dependent on the

Centre's acceptance of the government's right to decide if and when the research report should be published. To this wholly unexpected revelation I responded by declaring its unacceptability to me as director of the Centre. In addition, I said that I felt confident in rejecting its philosophy so far as the University of Toronto as a whole was concerned. I undertook to report the conflict at once to the president of the university, which I did that same afternoon. Dr. Bissell was unhesitating in assuring me of his complete backing of the stand I had taken.

Some weeks later, I know not how, news of the dispute leaked into the newspapers and one of the ministers involved made some stupid statements, with scant regard for their veracity. Much as I disliked the idea of entering the public forum to canvass the financial problems of the Centre, I sat down and composed a long letter to the editor of the *Toronto Globe and Mail*, which was immediately published in full.⁷ In it, I challenged the Solicitor-General's version of the events that I have described and expressed my willingness to have the written record of letters, briefs, and memoranda that had been exchanged between the government and the Centre opened to public examination. I ended by once again reasserting the university's and the Centre's adherence to the principle of freedom of publication, in accordance with the long tradition and established principles governing such matters laid down by the University of Toronto.

The response in the editorial columns was resounding support for the Centre's stand. Sometime thereafter I was invited to meet the Attorney General and Minister of Justice to discuss a particular research proposal that had been included in the Centre's future research programme. The study was concerned with the exercise of the discretionary powers vested in Crown attorneys as agents of the Attorney General, a highly sensitive area and one that has never before been examined empirically. The meeting was short. Accompanying the minister was the Deputy Attorney General, whose response to my request for reassurances on the question of publication was to reassert the position adumbrated some months earlier in the Cabinet Committee on Justice Policy, which I have described above. I attempted once again to explain the university's position, and was told that it was time the university understood how government worked in the present day. Buying research, the

7. *Op. cit.*, December 19, 1972, p. 7.

deputy minister stated, was no different from buying any other commodity in which the government was interested. With that, the meeting adjourned, the Minister of Justice having undertaken to seek clarification as to whether the government's position was that stated by his deputy minister or whether the university's right to publish was, in fact, still recognized and accepted. Within the week I was back in the Ministry of Justice and a contract was drawn up, conferring rights of access to the sensitive research data and, at the same time, acknowledging the Centre's unrestricted right to publish the research results subject only to the usual safeguards against identifying the persons concerned. It was during the course of this dispute that the invaluable intervention of the Centre's Advisory Council, to which I referred earlier, occurred.

A somewhat similar confrontation took place some years earlier, this time involving the newly created federal Solicitor General's Department in Ottawa. Prior to leaving for Churchill College, Cambridge, where I was to spend the year as an Overseas Fellow, I had negotiated a grant of a sizeable amount to enable the Centre to attract experienced researchers. The research plan involved a three-pronged programme, concerned with the evaluation of parole and parole decision-making. The Nuffield Foundation in England had earlier expressed a lively interest in the project and had made the unusual gesture of sponsoring research conducted outside of the United Kingdom. Before my departure, I received a visit from a senior administrator within the government department concerned, and we discussed the various facets of the proposed research. At the end of our talk, I was asked to give an assurance that there would be no publication of any findings that were critical of the National Parole Board, which was responsible for the federal parole system. Implicit in this request, I was left in no doubt, was the possibility of withholding the grant if the assurance was not forthcoming. There was no need to hesitate in rejecting this ill-advised approach and I thought no more about it.

Several months later I learned that the grant had not been received and was, in fact, being withheld until a suitable agreement had been drawn up, thus substituting a contractual relationship for the grantor-grantee arrangement that had been negotiated prior to my departure for the United Kingdom. When the proposed contract eventually arrived on the acting director's desk, it was found to contain a clause conferring power in the Government of Canada to determine if, and in what form, the research results should be

published. Furthermore, and to my considerable annoyance, since it was well known that I was out of Canada for the year, the Department of the Solicitor General had indicated that the Centre was to communicate its decision, with respect to the terms of the contract, within forty-eight hours. On being contacted by telephone in Cambridge by my somewhat anxious deputy, I instructed him that under no circumstances was he to sign the proposed contract. Once again, the full support of the university's administration was forthcoming in upholding the Centre's position.

On my return to Canada, an appointment was set up for me to meet with the senior officials in the Solicitor General's department. The vice-president in charge of Research Administration at the University of Toronto indicated his desire to accompany me. I welcomed this suggestion. In advance of the meeting, I had collected together a series of model clauses, governing rights to publication, which were drawn from contracts used by such governmental research agencies as the Home Office Research Unit in London and the National Institute of Mental Health in Washington. Armed with these precedents and persuaded as to the justice of the university's cause, we met the senior public servants in charge of the penitentiary, parole, and policy divisions of the department. Leading the government team was the Deputy Solicitor General. Before the negotiations had even begun, the deputy minister conceded all the points that had been taken by the Centre and the university and I was asked to draft, in conjunction with the department's legal counsel, the appropriate clauses for a model research contract. This we did during the luncheon hour, and our ensuing recommendations were accepted without demur.

For many years thereafter, these provisions, in their essential features, were inserted in every research contract negotiated between the Centre of Criminology and the federal Solicitor General's department. Ample opportunity was provided in practice for the appropriate representatives of the government to study the final drafts of the appropriate reports and to offer comments for the attention of the researchers. Control over the final form of the published results remained within the university. Even so, I understand that, in more recent times, fresh problems have arisen in interpreting particular clauses and it would be erroneous for me to convey the impression that future researchers should enter into contracts with government departments, confident that both parties share the same ideals with respect to the freedom to publish the

results of research carried out in a university setting. Both the Centre's researchers and administrators must approach the drafting of a research contract with the utmost care and with the anticipation pitfalls, however unlikely they may seem at the outset of the enterprise. Vigilance should be the researchers' persistent motto.

VI. *The Research Programme*

(a) *Early Priorities*

In the initial years of the Centre's existence there was nothing in the nature of a grand strategy or a master plan for criminological research in Canada. With a crippling shortage of experienced researchers on whom to draw, the situation can best be described as an unlimited agenda of research initiatives for which there was available the merest trickle of seasoned researchers. To compound this daunting prospect, there was the problem of persuading governmental and other agencies to grant access to data that hitherto had remained hidden from virtually any public view, let alone intensive study by academic researchers. Furthermore, there was the obvious necessity of securing funds to launch research studies and the likelihood that granting agencies would evince different levels of interest towards various subjects.

Long before my appointment as director, I had been interested in the area of sentencing and, in 1962, I had directed the first conference of judges on sentencing to be held in the Commonwealth.⁸ It involved all levels of the judiciary in Nova Scotia, together with the federal Commissioner of Penitentiaries and the chairman of the National Parole Board. This pioneering venture, which met in what was then the library of the building that formerly housed Dalhousie Law School, was, for the most part, a rather painful experience. The suspicions entertained by all the participating groups towards each other made it extremely difficult to maintain any semblance of debate. At least this was so until a few minutes prior to the prearranged time for adjournment, when the dams broke loose and some honest speaking as to the underlying causes of the mistrust between the judiciary and the correctional representatives helped to clear the air. But this was not destined to endure for long.

8. See the *Halifax Chronicle Herald*, March 5, 1962.

Later in the same year I directed a two-week sentencing seminar at Queen's University, Ontario, and this experience led me to believe that it would be possible in Ontario to launch the first empirical study of the subject, aimed at achieving a better understanding of the entire sentencing process. The avowed purpose of what came to be known as the Ontario Sentencing Study was not the elimination of disparities in sentencing. Whatever false expectations of this kind may have been generated by the Centre's sentencing project, I can testify to the fact that laying the groundwork for this ambitious project was, in many ways, a study in its own right. One of my regrets is in never publishing an account of the diplomatic negotiations that preceded the sentencing study, together with a description of the struggles to bring the project to its completion.⁹

Once the sentencing study was launched in 1965, my attention turned to the field of parole and its vast network of hidden decision-making. Behind this interest were serious doubts as to the validity of the conventional criteria for assessing the effectiveness of parole. This, in turn, led to discussions with individual researchers, appointed to the Centre's staff, as to their interest in embarking on a group of inter-related projects aimed at casting much needed light on the parole system. The United Kingdom government and its senior judges were, at the same time, becoming actively interested in the introduction of parole as an integral part of the British system of corrections. The happy chance visit of the director of the Nuffield Foundation to the Centre resulted in funds eventually being made available for one of the sub-projects in the parole study. The design of the individual research projects was left to the coordinating project director, who was expected to prepare detailed research proposals, including a time-table, staffing plans, and a budget, for my consideration. There were many discussions before the project was given the green light, during which time I found myself committed to persuading the pertinent administrators to give the Centre's researchers full access to the National Parole System's records and confidential files. Simultaneously, I embarked upon the familiar exercise of persuading prospective granting agencies to make available the very considerable sums of

9. For the results of the study, see J. Hogarth, *Sentencing as a Human Process* (Toronto: Univ. of Toronto Press, 1971).

money that were required to launch the various studies within the parole project.

For the first ten years, I assumed these twin responsibilities of funding and securing access to data, assisted by individual members of the Centre's Advisory Council, whose official positions were often instrumental in surmounting the obstacles that persisted in crossing my path. At times, these barriers surfaced in the most unexpected places and directions. With the growing experience of the Centre's full-time research staff, it is now more common for the individual researcher to assume these same responsibilities. This is preferable for a number of reasons, not the least of which is the injection of a sense of realism that results from having to defend one's case and negotiate an acceptable set of terms for support. There is also the sense of personal responsibility for the expenditure of research funds for which you have had to toil industriously.

(b) Unifying Characteristics in the Centre's Research Programme

Up to the time of delivering this lecture, the Centre's research programme had been characterized by the desire to study the exercise of discretionary power and the actual processes of decision-making. Mastery of the criminal law, its principles, and procedures, constitutes, at best, familiarity with the skeleton outline of the criminal justice system. By concentrating on the processes of decision-making that makes the criminal justice system work, what has hitherto been a closed book is being gradually opened to public scrutiny. There is no use denying that such an empirical approach can sometimes be very painful. At the same time, it can fairly be claimed that the Centre has manifested its determination not to confine its research activities to the narrow boundaries surrounding such penal questions as the effectiveness of prisons and punishment. Research projects have ranged across the subjects of parole decision-making, sentencing philosophy and decisions, prosecutorial discretion, and decision-making by police officers in both the uniformed and detective branches. Other research areas of investigation include the burgeoning private security establishments, the role of defence counsel in criminal cases involving juveniles, perception studies in such unrelated fields as juvenile offenders and penitentiary inmates, police powers with respect to the mentally ill, and, using the systems analysis approach, a critical

evaluation of decision-making in the criminal courts system of metropolitan Toronto.¹⁰

(c) *The Longitudinal Study*¹¹

In 1975, a small planning group was established within the Centre, with, as its prime object, the preparation of a long-term research proposal that would utilize the substantial multi-disciplinary resources available to the Centre and would further explore the general area of decision-making within the criminal justice system. I have already described the importance attached, in earlier studies conducted within the Centre of Criminology, to the examination of the exercise of discretionary power in particular segments of the system, in the course of which the decision-makers, for example, judges and parole authorities, courageously allowed our researchers behind the curtains that normally conceal from public view the day-to-day processing of individual decisions. The longitudinal research proposal that emerged from these internal discussions within the Centre is a striking landmark in the quest for a true integration of multi-disciplinary resources in addressing a single set of criminological problems. I emphasize that this represents a landmark in the progress towards such a goal. It does not, by a long chalk, constitute the finishing line. At the same time, we should not underestimate the significance to future criminological research if the longitudinal study, as planned, is carried through to completion and its results are published in a form that permits scholarly evaluation by others.

Time will not permit me to do much more than paint for you a general outline of this ambitious project, which will be concentrated on one of the heavily populated regional municipalities adjacent to Toronto. The project, which consists of a series of sub-studies, is “designed to examine empirically the criminal justice system in operation in one jurisdiction focussing on the inter-related parts of the process as well as the cumulative effects of these parts on a case

10. For complete details of the individual research projects undertaken and the ensuing publications by the research staff during the period of 1970-79, the reader's attention is directed to the volume published by the Centre of Criminology, entitled: *Research in Criminology by Staff of the Centre of Criminology during the 1970's*. I understand that parallel volumes covering the 1960s and 1980s are in the course of preparation by the Centre.

11. Most of the description of this study that follows derives from the volume referred to in the previous footnote, at pp. 64-69.

as the accused person travels through the system. Unlike other studies which have examined the system in a piecemeal fashion, the present programme aims to provide a comprehensive picture of the operation of the system as an integrated process. The general approach is to study the system by looking at the decisions that are made at different points in the process. A longitudinal sample of cases will be followed in detail from the initial contact with the police, uniformed or detective, through to the final court disposition. In addition, a much larger sample of cases is to be examined at each part of the system.''

If I enumerate the respective sub-studies, it may help to give a better picture of the substance behind the general description. These include studies of the patrol operations of the uniformed police; the role of the general investigation detectives, including the interrogation of suspects and victims; the exercise of the discretionary powers of the Crown Attorney; victim involvement in the criminal justice process; the decision-making activities of defence counsel and lawyer-client interactions; the accused and his perceptions of the system; the exercise of discretion with respect to juveniles; and, finally, a review of the legal issues that are disclosed by the findings of the respective parts of the longitudinal study.¹²

Financing a project of this magnitude is itself a major exercise, and it was a source of much satisfaction to learn, on my return from New Zealand, that the necessary funding had been assured, following long negotiations with the Social Sciences and Humanities Research Council of Canada, the Donner Canadian Foundation, and the University of Toronto's own Connaught Foundation.

(d) *Historical Research*

After frustratingly slow and uncertain progress in the Centre's early years, it is encouraging to be able to report that, thanks to the

12. Up to the present (i.e., March 1983), the following monographs, resulting from the Longitudinal Study, have been published: R. V. Ericson, *Making Crime: A Study of Detectives Work* (Butterworths (Canada), 1981); R. V. Ericson and Patricia M. Baranek, *The Ordering of Justice: A Study of Accused Persons as Defendants in the Criminal Process* (Toronto: Univ. of Toronto Press, 1982); and R. V. Ericson, *Reproducing Order: A Study of Police Patrol Work* (Toronto: Univ. of Toronto Press, 1982). In the course of publication are the following: John Hagan, *Victims Before the Law: The Organizational Domination of Criminal Law* (Butterworths (Canada)); and Peter Solomon, *Criminal Justice Policy: From Research to Reform* (Butterworths (Canada)).

leadership provided by my colleague, John M. Beattie, Professor of History, a substantial start has been made in mining the vast, untapped documentary sources from the earliest days of Canadian history pertaining to various aspects of the criminal justice system. I recall the pleasure that I derived when the first Ph.D. student in history entered my office to inquire about the feasibility of devoting his doctoral thesis to a criminological subject. Now, I understand, there are a handful of similar theses being undertaken in the Department of History, alongside which there is a steady stream of graduate students who elect to take the optional course in the M.A. programme, devoted to "Crime in Historical Perspective". The outlook is bright and will receive every encouragement, so that the contemporary approach to criminological problems does not make the unforgivable mistake of ignoring the experience and lessons of the past.

(e) Integration and Avoidance of Overlapping with Government Research

The time is rapidly approaching, and may already have arrived, when closer consultation between the Centre and both levels of government will be necessary to ensure the most effective use of limited resources, in terms of research manpower and financial wherewithal. Hitherto, the University of Toronto's Centre of Criminology has always taken the initiative in embarking on research projects with the support of private funds and in submitting proposals for funding from government sources. It is my hope that the Centre will continue to prize its independence sufficiently to avoid being forced into the unenviable position of becoming an appendage to government, in which the research it undertakes is dictated by the exigencies of day-to-day governmental priorities. In saying this, I do not reject the possibility of a shared enterprise, in which projections of future research needs involve the contributions of academic criminologists, law reformers, ministers, and their policy advisers.

With this idea in mind, I submitted a paper, over ten years ago, to the government of Canada, reiterating the views that I first expressed publicly, in 1962, at Queen's University, Ontario. In that address, I advanced the case for establishing a Criminological Research Council in Canada along the lines of the National Research Council (now called the Natural Sciences and Engineering

Research Council), which has the responsibility for the physical sciences, and the Medical Research Council. The proposed body would mainly have an advisory role, although, in line with the other parallel organizations, it could be given executive responsibilities for the distribution of public funds in support of criminological research. Representation should extend to include the relevant government departments, the universities, and public agencies engaged in the administration of criminal justice. In truth, these ideas have been supported in large part by the creation of the Law Reform Commission of Canada and the expanded involvement of the Canada Council (now the Social Sciences and Humanities Research Council) in research enterprises within the field of criminal justice.

What should not be disregarded is the undeniable fact that the aims and purposes of a governmental research unit — as exemplified by the Home Office Research Unit in London, and the research division of the federal Solicitor General's department in Ottawa — are essentially distinguishable from the objectives normally associated with a group of researchers operating within the environment of an established university. This is not intended to reflect on the quality of the research work conducted in either kind of establishment, but rather to distinguish the priorities that come into play when determining the subjects to be studied through empirical research. What is detrimental to the advancement of knowledge is a situation in which university researchers allow themselves to be led by the nose in the direction of available funds. Research that is determined as to its priorities and importance with principal regard to the accessibility of public or private funds is suspect, and even more so if the conditions governing the availability of such funds preclude control by the principal investigator of his right to freely publish the results of his work.

I believe the distinctions between government-directed research and that conducted under the auspices of a university should not be oversimplified into the difference between short-term and long-term projects or that which separates pure research from pragmatically determined studies, although aspects of these distinctions will, no doubt, always be apparent. There should be no obstacle to the academic criminologist concerning himself with small, short research projects involving highly topical issues. If anything, there has been too little attention to this kind of independent challenging of categorical beliefs. What I wish to emphasize is the responsibility

of university-based research centres and institutes of criminology to explore the unexplored; to anticipate through accumulated knowledge the problems of tomorrow, rather than concentrating on the problems of today or yesterday; to search for insights from all the contributing disciplines; and then to ensure that its findings are ventilated for public scrutiny.

(f) *Recurring Problems with Empirical Research*

Let me turn next to some observations concerning the recurring problems that I encountered in directing a Centre of Criminology devoted to undertaking empirical research.

Expense: As an academic lawyer, I had been accustomed to undertaking legal research, the results of which would be embodied in an article or note for a legal journal or, more ambitiously, in a monograph. Whatever the eventual outcome of the research exercise might be, the necessary resources were generally restricted to the shelves of a law library. Law reports, statutes and statutory instruments, textbooks, and other works of reference were usually within reach of one's seat in the library. The direct costs were those associated with the basic tools of any writer — library resources, stationery, and other supplies, secretarial services, and the inescapable photocopying costs. Furthermore, these costs and those of the faculty salaries are covered by the divisional budget, allocated annually to the law school out of the university's central funds. The costs of traditional legal scholarship are generally hidden in the ongoing budgetary resources of the Faculty of Law and the same is true of the departments that embrace the humanities.

Empirical research, on the other hand, is infinitely more expensive, incorporating as it usually does all or a substantial proportion of the researchers' salaries, as well as expenditures that involve all sorts of strange and unfamiliar items, at least to the ordinary lawyer. Many pairs of hands are usually called for to foot-slog in collecting the relevant data. These bodies are supplemented by another group whose task it is to code and collate the raw data. The sophisticated analyses that follow usually require the services of computer programmers, and this all precedes the day when the project head begins to prepare his final report. Salaries of the research staff are, by far, the largest single element in the budget that accompanies any research proposal submitted to granting agencies. This is not the place to argue the respective merits and

deficiencies of empirical and non-empirical research. What is not capable of serious denial is the enormous amount of man-hours that are expended in getting at the salient facts in their rawest form, from which life and substance have to be extracted if the empirically oriented research is to render an accurate portrayal of the system and its human participants.

Time estimates: In drawing up a research budget, before actually launching a particular study, the researcher must project himself through the various stages of the study, from the initial review of the pertinent literature to the final submission of his research report. My experience leads me to conclude that researchers invariably underestimate the amount of time required to complete their project. This can quickly create complications of a financial nature, the most acute being the necessity to provide salaries to maintain the research staff for whom the project budget has failed to provide adequate resources or any other unforeseen contingencies.

Delays can be occasioned by any one of a multitude of unforeseen contingencies. Diverse examples that come to mind include the complete recoding of the sentencing study data because of the inadequate training of volunteers for the task, a change of heart on the part of the participating agency, which experienced second thoughts on the implications of possible research findings, and such practical realities as the pregnancy of the principal investigator or the transfer, to another country, of the project head's spouse. Repeatedly, one experienced the inadequacy of the time allowed for writing up the final report, not only for the purposes of informing the granting agency but also in fulfilling the painstaking task of preparing the manuscript for publication. For what it is worth, as a rule of thumb, I would urge aspiring researchers to follow a time frame that allows an equal amount of time for (a) planning and organizing the research project for the active stages of field work and (b) writing up the results of the study.

The research report: By and large, researchers who are trained in the methods of empirical research do not display a commensurate facility in expressing their analyses and conclusions. Command of the English language, let alone any elegance of style, is accorded far too low a significance in the listing of essential qualities associated with empirical research. In my judgment, researchers need to be prepared to devote much more energy and time to polishing their written reports, through a series of revisions, however tedious, until they are satisfied that they have achieved that level of communica-

tion of their ideas that is acclaimed as an end in itself. A research report is seriously deficient if it fails to achieve a high level of understanding on the part of other researchers but also, a point very frequently overlooked, by those readers — for example, judges, lawyers, legislators, administrators, correctional staff, police officers, or students of criminology — whose professional activities may be directly influenced by the research findings. A failure to communicate the products of a research study in intelligible English is the bane of so much published writing in criminology that concerted efforts must be made to improve the situation. If this message is not heeded, much human energy and public funding will be wasted and society as a whole will be the loser instead of the beneficiary.

(g) Research Report Recommendations

Many researchers — certainly this was so among the early group of colleagues whom I appointed to research positions at the Toronto Centre — display a strong aversion to expressing any specific recommendations at the conclusion of their research reports. Underlying this reticence is usually a combination of factors. First, there is the doctrinaire attitude that scientific research must exemplify total objectivity. To introduce any personal observations, it is argued, is to pollute the final product with elements of subjectivity. There is also the backroom philosophy, which prefers to maintain a high degree of anonymity. This, it is felt, will be enhanced by not expressing any thoughts that could be interpreted as the personal advocacy of a cause. I respect the motives underlying these positions.

My own position, however, is premised on the belief that it is possible for the research author to keep distinct in his final report (1) the analysis of the data and the resultant findings, and (2) any general reflections or recommendations that derive from the investigator's period of intense association with that sector of the criminal justice system which he has been studying. I do not subscribe to the doubtful theory that social science research is capable of manifesting absolute objectivity. There are so many aspects of any empirical study that permit the possibility of subjective biases being intermingled with ostensibly objective deductions. Resort to the language and symbols of empirical methodology cannot eliminate the human element of impressions,

interpretations, and even the initial formulation of the hypothesis to be tested or the choice of which data to collect. A frank recognition of this internal conflict is a healthier approach than seeking to conceal its existence. When writing his report, the principal researcher, must, above all, be honest and straightforward in communicating his thought processes from the beginning to the end of his study.

(h) *Delays in Publishing the Results of Research Studies*

An endemic problem, shared by most centres or institutes of criminology with which I am familiar, is the delay experienced between the completion of a study and the subsequent publication of the research results. The Toronto Centre's experience has resulted in a diverse series of reports, ranging from major research studies such as *Sentencing As a Human Process*, *Men Released from Prison*, *Effectiveness of Parole*, and *Legal Aid and the Criminal Courts*, to lesser enterprises such as those published under the titles *Prisoners' Perceptions of Parole*, *Attitudes to Crime and the Police*, and *The Legal Regulation and Control of Private Policing and Security in Canada*.

With respect to those publications which have appeared in the monograph series entitled "Canadian Studies in Criminology", published by the University of Toronto Press, human patience was stretched to unimaginable lengths and, at the end, dissatisfaction still remains that so very many months had to pass by before the research results became public property. To overcome this dilemma, the Centre of Criminology resorted to publishing, under its own auspices, a series of Research Reports, Working Papers, and Occasional Papers. The new policy ensured prompt dissemination of research findings conducted by the Centre's research staff but it lacked the breadth of circulation made possible by an established publishing house. On the whole, the benefits far outweigh the disadvantages. The role of the director as a general editor cannot be allowed to pass without recalling the tiresome labour involved in editing manuscripts. That said, it must also be acknowledged that is a task which must be undertaken if true scholastic standards are to be maintained.

(i) *Complementary Nature of Research and Teaching*

In establishing the Centre of Criminology within the academic fold

of the University of Toronto, there was never any doubt in my mind that, in due course, the traditional relationship between research and the teaching of students would have to be implemented. Why, then, did it take so many years to present for approval of the appropriate academic bodies a graduate programme leading to the M.A. degree in criminology? Apart from the lack of experienced researchers and teachers in the early formative period, I was minded to defer the launching of a major teaching programme until the research foundations had been adequately established. Other factors that influenced my thinking in this regard included my doubts about the usefulness of teaching criminology to Canadian students from an almost exclusively British and American perspective, the literature being, at the time, almost totally devoid of what might be described as Canadian-oriented material. Furthermore, I was conscious of nagging doubts as to the undue importance devoted in the existing literature to questions concerned with the treatment of offenders and the abysmal neglect of those other parts of the criminal justice system which concern policing, prosecutions, and the criminal courts. I was anxious to see this imbalance corrected in any curriculum that was associated with the Centre of Criminology.

The early introduction of a non-degree Certificate Course in Criminology, which was administered by the Extension Department and, later, by Woodsworth College, did not make heavy demands on the Centre's resources. The teaching was manned by recognized teachers in other divisions of the University of Toronto and from adjacent universities. Whilst on this subject, it may be appropriate to record also the deliberate policy of the Centre to absolve itself of administrative responsibilities for the rapidly expanding undergraduate programme in criminology, which was first launched in the early 70s under the direct control of the faculty of Arts and Science. The heavy enrolment in these courses in subsequent years amply demonstrates the wisdom of that policy.

The dangers of an imbalance in the allocation of human resources, as between the teaching and research commitments of the Centre, was never far from the front of my mind and it is highly satisfying to have achieved the teaching goals, set at the inception of the Centre, without imperilling the resources and atmosphere so essential to the execution of serious research of an empirical nature.

It may be of some interest if I recount the circumstances surrounding the advent of the Centre's graduate programme. The presence of graduate students in the Centre, at both the masters and

doctoral levels, is now taken so much for granted that it is hard to believe how close to disaster the Centre's very existence was brought in the late 1960s, when the need to become a normal teaching and research division, with increased access to the University's regular budget, was clearly understood by some, but by no means all, of my colleagues in the Centre of Criminology.

When it became apparent, in view of the grim financial outlook facing the Centre, that immediate attention had to be given to the establishment of a graduate programme of teaching, it was somewhat disconcerting to be met with strong opposition to the proposal on the part of my senior research colleagues. They could not be persuaded that the traditional interrelationship between research and teaching within a university setting had any application to the Centre of Criminology. Since none of them had previously taught or, indeed, been part of a university faculty, this was understandable. Before leaving for Cambridge in 1966, I set up a committee, composed of all the researchers, to examine the teaching problem and to make recommendations. The committee's report was strongly negative, influenced by one or two strong personalities whose previous background had been devoted exclusively to a research career outside universities. The same report expressed a willingness, if pressed, to consider the adoption of a doctoral programme within the Centre.

The prospect of forthright rejection of such a recommendation by the School of Graduate Studies, coupled with my increasing sensitiveness as to the Centre's shaky financial future which had no assurance of regular funds from any sources, compelled me to go on the offensive. I indicated the reasons for my rejection of the committee's recommendations and convened a meeting to debate the issues and to resolve the crisis one way or another. There was tension in the air, but good sense prevailed, helped no doubt by the stark reality of the alternative consequences which I set forth in the fullest terms. Another committee was struck, with terms of reference specifically tailored towards the drafting of a tentative M.A. curriculum. In due course, I presented recommendations to the appropriate academic bodies in the university and secured approval for the introduction of an M.A. programme in criminology, literally in the nick of time.

Ironically, this approval coincided with the imposition by the government of Ontario of a total freeze on the implementation of new graduate programmes within the province, where such

programmes entailed the provision of public funds. As on so many other occasions, the Donner Canadian Foundation came, on very short notice, to the Centre's rescue. Its trustees approved a grant of \$80,000, covering the first two years of operation of the M.A. programme in criminology, provided that the University of Toronto guaranteed the programme's continuation thereafter. President Bissell's courageous decision to give such an assurance, before its presentation to the formal academic bodies in the university, was unique but possible in 1966. Today the situation might well be very different. My direct access to the president from 1963 to 1968 enabled me to keep Dr. Bissell fully informed of the Centre's tribulations and successes, so that his decision on the M.A. programme was an informed judgment. In the event, the government's "freeze" was withdrawn before the expiry of the two-year period and the programme has grown and strengthened itself in the intervening years. Only now, however, can I begin to express a growing satisfaction with the manner in which the graduate students are being positively encouraged to integrate their research training with the Centre's ongoing research programme.

Early on, the decision was made not to embark too soon on a specifically designed Ph.D. degree in criminology. This is contrary to the policy followed in other Canadian universities, for example, the University of Montreal. Instead, and with the substantial investment of doctoral fellowship awards provided by the federal Solicitor General's department and commencing in the 1977-1978 academic year, it is envisaged that a growing number of Ph.D. or D. Jur. students will choose to concentrate their research in the area of crime and criminal justice, whilst formally enrolled in the departments of their basic discipline. Such doctoral students will become Junior Research Fellows in the Centre, with full access to the substantial library resources and other facilities. Time and experience will dictate the appropriateness of establishing a specifically tailored Ph.D. programme under the control of the Centre of Criminology, but I may be permitted to express the hope that any such move will not be at the expense of curtailing the healthy influx of doctoral students who prefer to approach criminology from their basic disciplines.

VII. *Conferences and Workshops*

Among the original objectives set down for the Centre of Criminology was the following:

The organization of series of lectures, and periodical seminars and conferences of short duration, with the aim of providing opportunities for the exchange of ideas and information between members of the Centre and persons outside the University who, by reason of their qualifications and practical experience, can contribute much to the effective functioning of the Centre; at the same time refreshing their training and bringing themselves up to date on national and international developments in the field of criminology.

Reading the record of the conferences, seminars, and workshops convened by the Centre over the years evokes many memories. Not the least of these was the time-consuming task of preparing for the event by way of selected reading materials, coupled with searching questions for discussion in the small groups that were always an integral feature of these occasions. A major justification for so much preparatory effort was the opportunity to make known the Centre's existence and its research programme to representatives of the various components of the criminal justice system, drawn from across Canada. Sometimes the fall-out was unexpected, as in the instance when the then Permanent Under-Secretary of the Home Office attended the National Conference of Judges on Sentencing, held in 1964. As I have good reason to know, this experience led to the establishment of similar sentencing conferences under the aegis of the Lord Chief Justice of England, Lord Parker of Waddington, some of the earliest of which I was privileged to attend.

The Prevention of Crime Conference in 1965 saw members of the judiciary enter freely, but not without much soul searching, into discussions with senior police officers, crown prosecutors, and defence counsel on agenda items that a decade or more later continue to occupy the attention of legislatures and the courts. Not surprisingly, the Centre returned to the same subject in its Workshop on Crime Prevention in 1975, the agenda for the two meetings bearing a striking resemblance.

Disappointing to me was the failure to follow through the research programme outlined at the conclusion of the Workshop in 1972 on the Use of Sanctions in Controlling Behaviour on the Roads. Far more successful has been the response to the Centre's initiative, in 1973, in convening its Workshop on Private Police and Private Security in Canada. Not only was this event instrumental in persuading the Ontario government to withdraw its ill-prepared bill on the subject, but it aroused both levels of government, federal and provincial, to invest substantial funds in support of research

designed to ascertain for the first time the dimensions, characteristics, training requirements, and legal powers of both the in-house and contract security industries. The importance of this new area of criminological interest is readily perceived when it is realized that the total number of private security agents employed in Canada has already far outstripped the total complement of police forces across the country.

Sentencing alternatives, and the criminal justice agencies empowered to give effect to such decisions, were subjected to critical scrutiny in 1972 by the National Conference on the Disposition of Offenders. Happily, it was possible to feed into the conference the major findings of the Parole Studies, carried out in the previous five years by the Centre's research staff. Much of the subsequent penal legislation and correctional policies followed by both levels of government can be seen to have been heavily influenced by the thinking derived from this major conference.

A small, but potentially equally influential, gathering was that convened in 1973 to examine the contributions that the medical sciences — such as neurophysiology, biochemistry, and pharmacology — can make toward a better understanding of human behaviour and the central concept of responsibility in criminal law. Issues of intoxication, automatism, and the treatment of offenders were reviewed in the light of the medical papers presented by an international group of medical scientists. If it accomplished nothing else, it placed on record the totally neglected body of knowledge to which the criminal courts must turn if they are to escape from their unhealthy total dependence on psychiatric experts. Among the other workshops convened by the Centre, and indicative of its catholicity of interests, I might mention those devoted to the subjects of "Violence in Canadian Society" and "Law in the School Curriculum", again offered with valuable background readings.

Given the considerable expenditure of energy on such ventures in the early formative years, the question may well be asked, how worthwhile were these activities? Obviously, by the very existence of the programme of conferences and workshops from 1963 to 1975, there is in one sense a resounding affirmative answer. It is dictated by the assumption enshrined in the original objectives of the Centre and corroborated by the testimony of an infinite number of participants whose professional lives span the whole gamut of the criminal justice system. What has been particularly gratifying is the sight, on judicial desks across Canada, of the volumes of reading

material prepared for individual participants but which have come to be relied upon by other judicial colleagues. It may not be dramatic, but it has surely been very effective in developing a flow of cogent information from the Centre to all levels of the Canadian judiciary. The reading habits of Canadian judges is probably indistinguishable from that of their colleagues in other countries. In establishing confidence in the judgement of the Centre to place before them what is really significant published writing, the objective of contributing to a more enlightened judiciary has been accomplished. The same has been true with respect to the police chiefs, senior public servants, and correctional administrators in the highest echelons of the National Parole Service, the provincial probation services, and the penitentiaries service, who gladly took advantage of the rare opportunity to engage in dialogue with representatives of the bench on questions that, all too often, prompt confrontational postures. It is never easy to trace a direct relationship between judgments, judicial utterances, or the formulation of penal and police administrative policies, and the influences exerted through the Centre's public conferences and workshops. In retrospect, my assessment of the worthwhile nature of these ventures remains positive and convincing.

What I have just described can best be qualified as impressionistic, at best. Alongside such subjective assessments the Centre can rightfully point to some concrete results having flowed out of its publicly oriented endeavours. Thus, in the course of my inaugural lecture launching a series of public addresses arranged by the Centre in the winter of 1965-66, I argued the case for establishing in Canada a permanent Criminal Law Reform Commission and set forth a programme of work for the proposed body.¹³ It is not immodest to claim some credit for the Centre in seeing the realization of these objectives with the enactment, in 1969-70, of legislation creating the Law Reform Commission of Canada.¹⁴

The support extended to the Ontario Crown Attorneys Association led to that body meeting in the cramped quarters of the Centre in 1971 to conduct the first series of continuing education lectures designed for crown attorneys. The annual "school" for crown prosecutors has since become an established institution. Another

13. Edwards, *Penal Reform and the Machinery of Criminal Justice* (1965-66) 8 *Criminal Law Quarterly* 408 at pp. 413-417.

14. For a brief history of the commission, its mandate, and its influence on law reform, see the Commission's 11th Annual Report 1981-82, pp. 1-18.

initiative which some might find incongruous was my advocacy of teaching the fundamentals of law and the legal processes in the nation's high schools. My initial approach in December 1971, through the Ontario Deputy Minister of Education, was met with a beguiling enthusiasm and was quickly followed by discussions aimed at drawing up a model curriculum.¹⁵ Much has happened since those early days, but I sometimes fear that too much emphasis has come to be placed on imparting the minutiae of the law at the expense of what I believe should be the guiding force in any such programme.¹⁶

There remains to be mentioned the leading role played by the Centre in laying the groundwork for what has become the Canadian Judicial Council. Enacted by legislation amending the Judges Act in 1971,¹⁷ the objects of the Council are:

“to promote efficiency and uniformity, and to improve the quality of judicial service, in the superior, district and county courts, including, (a) the establishing from time to time of a conference of chief justices; (b) the establishing from time to time of seminars for the continuing education of judges; and (c) the making of the inquiries and the investigating of any complaint or any allegation described in section 31.

The genesis of this organization can be traced to the Conference of Chief Justices of Canada, which assembled in the University of Toronto in 1964 and 1965¹⁸ under the auspices and guidance of the Centre of Criminology. These conferences, the first ever held in the history of Canada at which the several Chief Justices of the provinces had assembled,¹⁹ were the direct result of the

15. See P. C. Stenning, *Legal Education Beyond the Law School Walls* (1973) 7 Law Society of U.C. Gazette 133; and *Report of the Proceedings of Law in the School Curriculum: A Symposium convened by the Centre of Criminology*, Univ. of Toronto, 1975.

16. For an eloquent plea in support of the same objective, see the convocation address to the Law Society of Upper Canada by Chief Justice Bora Laskin, Supreme Court of Canada, on March 26, 1971 (1971) 5 L. S. of U.C. Gazette 63 at p. 65.

17. 19-20 Eliz. II, c. 55, see s. 31.

18. For an insider's account of the evolution of this organization, coupled with a generous acknowledgement of the initiating role played by the Centre of Criminology, see the speech delivered on March 20, 1981 by Chief Justice E. M. Culliton at the testimonial dinner given, to mark his retirement, by the Saskatchewan government and the Law Society of Saskatchewan.

19. It is worthy of record that the costs of organizing both these historic meetings were met out of a grant made to the Centre of Criminology by the University of Toronto Alumni Fund.

unforgettable National Conference of Judges on Sentencing in 1964, which had foregathered at Hart House, University of Toronto, at the instigation of the Centre of Criminology. I well remember the efforts required by Mr. Justice J. R. Cartwright, later to become Chief Justice of Canada, and a founding member of the Centre's Advisory Council and myself to rescue the conference from a premature disintegration. Several of the Chief Justices threatened to walk out of the conference on the first morning, unaccustomed as they were to having to explain or defend their judicial practices to the other, non-judicial participants in the group discussions which were an essential part of the conference. Fortunately, calmer spirits prevailed, and at the end of the three days' proceedings, unanimous approval was given to a resolution that read as follows:

The Conference decided to recommend that machinery be established for the convening of regular judicial conferences on matters pertaining to the administration of justice, and that a committee of the judiciary consisting of the Chief Justice of Canada and the Chief Justices of the Provinces (or their nominees) should be appointed to arrange for the holding of, and to formulate the agenda for, such conferences.²⁰

The rest is now part of the history of the administration of justice in Canada. When I recall the severely restricted circumstances in which the Centre operated in those earliest years, it seems nothing short of astonishing that its efforts came to be crowned with such permanent and far reaching consequences.

20. *Proceedings*, p. 65.