

find sections where the writing is reasonably crisp (typically in chapters where Roberts seems to have a greater interest and command over his subject - e.g. Chapters 8, 12, 18) and sections where the turgidness approaches the grammatical breaking point. An example of the latter is the opening sentence to the section on Relevant Geographic Market (p. 112): "In defining relevant geographic market it is again essential to bear in mind that what is being attempted is to determine whether the defendant possesses a significant level of real or potential market power."

In sum, *Anticombines and Antitrust* is a work of uneven quality which will be useful to specialists and practitioners in the field of anticombines law, but does not command the acclamation of "definitive" or "classic", even through it is the only work of its kind in the field.

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***Sentencing, 2nd edition*, Clayton C. Ruby, Toronto: Butterworths, 1980. Pp. lvi, 548. \$70.00 (cloth).**

Only a practitioner with the experience of Mr. Ruby could have written this book. The author quickly sets the pace when he states in the preface that sentencing is more often dealt with inadequately by counsel than any other recurring aspect of a Criminal trial.¹ The student will welcome the second edition in an area of Canadian Criminal law lacking in good basic material while the practitioner will find the book useful as a quick reference in even the more hopeless of cases in his pursuit to earn his "fee".

The book's table of contents and index are detailed. The reader is able to quickly cross refer the table of cases with the table of *Criminal Code*² sections. The appendix contains thirty-eight pages of useless outdated criminal statistics from 1962 to 1973. It would be cumbersome to comment on each chapter, however, there are a number that require specific reference.

¹Ruby, at vii.

²R.S.C. 1970, c. C-34.

Chapter Ten's treatment of suspended sentence and probation is inadequate and lacking in its consideration of community service orders.³ Mr. Ruby may try to leave the impression that his book is updated to January, 1980, but on this topic he would be more accurate to date this chapter January, 1977. Community service orders are now being widely used across Canada by Courts of all levels. The use of the present community service orders as an alternative to jail sentences finds that middle ground that the author seeks throughout the book.

Chapter Eleven in dealing with the fine system clearly shows the inadequacy of the present practice of the courts. Whether default time should be served as punishment or simply as a means of enforcing the payment of fines is an area that the courts continually cope with unsuccessfully. The author raises a number of inherent problems with the fine system but does not deal with the relatively new fine option program where the defaulting offender has the opportunity of "working off" his fine. While the fine option concept is not as advanced as the community service orders, it belongs in a text dated the eighties.

Chapter Thirteen deals with imprisonment. The reader is reminded that the jail sentence does not rehabilitate and that if there is a deterrent element to a jail sentence is it in the fact that the offender is "going to jail" and not the "length of that jail term". The author emphasizes that jail must be looked at as a last resort and when jail is being considered a great number of factors must be weighed, thus the courts try to classify jail sentences into three areas: short, intermediate and penitentiary. The book takes the reader through each term while the author reminds the reader of Hughes D.C.J. quote "that penitentiary has often been described as a college offering a post-graduate course in crime."⁴

Chapter Nineteen gives an in depth view as to why there is not more uniformity in sentencing in Canada today. Where the book may be lacking in certain areas, Mr. Ruby makes up for it with the last chapter. He confronts head-on the more difficult of sentencing crimes and takes in detail the divergence of sentencing in each area of the country. In this attempt, Mr. Ruby tries not to be branded "for Ontario only" but gives an honest attempt to reach all Canadian readers.

Mr. Ruby's book in general is a good starting point for practitioners and students alike. Because of the rapid changes taking place in the Criminal Courts, a yearly supplement is a must.

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³Ruby, at 244.

⁴R. v. *Denholm* (1970), 11 C.R.N.S. 380 (Sask. C.A.); see also *supra*, footnote 1, at 284.

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