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## Book Notes: The Power to Criminalize: Violence, Inequality and the Law, by Elizabeth Comack and Gillian Balfour

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# BOOK NOTES

*THE POWER TO CRIMINALIZE: VIOLENCE, INEQUALITY AND THE LAW.* BY ELIZABETH COMACK AND GILLIAN BALFOUR. HALIFAX: FERNWOOD PUBLISHING, 2004. Pp. 178 + Appendix, References. \$18.99 paper.

BY STEFANIA ARLOTTO

*The Power To Criminalize* investigates the law's formidable power in society to "turn a person into a criminal," particularly in the context of interpersonal violence. The book focuses on the role of Crown attorneys and defense lawyers in the criminalization process, and the extent to which prevailing social constructions based on gender, race, and class inform their case selection, case-building, and negotiation strategies.

The authors begin by introducing the theoretical framework for the book, examining two different readings of the law—one as an impartial, objective enterprise, the other as an ideologically-driven discourse—and conclude that the law is more than a set of neutral rules and procedures: it is a process that entails gendering, racializing, and classing practices. In Chapter 3, Comack and Balfour explain how lawyers premise their case-building strategies on gendered constructions that associate violent crime with aggression, which is inextricably linked to notions of masculinity. Hence, when a man is charged with a violent crime, his defense will be presented in a way that normalizes this behaviour. Conversely, defense strategies for a woman often involve justifications for her uncharacteristic betrayal of femininity. In Chapter 4, the authors argue that racist and classist ideological representations, as well as imageries of racialized spaces, are at work in every step along the criminal process, from who is considered for release on bail, to who is believed as a credible witness, to who is classified as a culpable defendant.

In Chapters 5 and 6, Comack and Balfour discuss the agency of lawyers as a powerful, yet overlooked, element in debates about feminist-inspired legal reform, such as the criminalization of domestic violence. The authors argue that in the name of defending their clients, lawyers are deploying gendered, racialized, and class-based stereotypes, which seriously undermine political attempts to realize change in the area of women's inequality. In their concluding chapter, the authors address the implications of, and objections to, their analysis and consider how much can be accomplished by challenging the law to live up to its claims of equality, fairness, and justice.

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