

# Book Notes: Justice Defiled: Perverts, Potheads, Serial Killers and Lawyers, by Alan N. Young

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*JUSTICE DEFILED: PERVERTS, POTHEADS, SERIAL KILLERS & LAWYERS*, BY ALAN N. YOUNG, TORONTO: KEY PORTER BOOKS, 2003, XI + 360 PAGES.

BY NAOMI HORROX

Advancing his position unapologetically, Alan Young vehemently argues that the Canadian criminal justice system wastes its time and resources prosecuting criminals who are engaged in consensual but controversial lifestyle choices such as alternative sexual practices and recreational drug use. These exercises in moral hygiene leave justice officials ill-equipped to deal with harms caused by the violence and exploitation that should be the focus of the system. Young points out that the complexity of the system requires that individuals hire lawyers to advise, counsel, and represent them; in short, lawyers constitute a knowledge elite who claim a monopoly over justice. This is especially problematic for Young as he contends that the legal adversarial system breeds elitism, arrogance, and capricious spirits, stunts intellectual growth, and is governed by the dead weight of precedent, rather than by reflective contemplation. The criminal law should instead function to protect citizens, to provide an infrastructure for ordered relations, and to advance understanding about predatory behaviour. To achieve these ends, Young concludes that Canadians must demand change, challenging the criminal justice system to eliminate the stigma of criminal sanction from alternative drug use and sexual practices; to create coherent and consistent sentencing practices; to update and abridge the Criminal Code; and to provide victims with the respect they deserve.

*Justice Defiled* is unique in its language and tone as Young explicitly rejects the formal trappings of academic discourse, taking his “language to the gutter.” By writing from the fringes, Young distances himself from academia, thereby blurring the boundaries that exist between those who create and enforce the law, or even theorize about it, and those who are vilified by the law based on their benign lifestyle choices. Informed by his high-profile work on the Bondage Bungalow Dominatrix case and, most recently, *R. v. Clay*, which challenged the constitutionality of the prohibition of cannabis, Young’s arguments admirably blend legal theory and practice, prompting his readers to call into question some of their most deeply rooted assumptions about the criminal justice system.

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