

## PREFACE AND ACKNOWLEDGMENTS

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THE IDEA FOR THIS BOOK began before I started graduate school. In the mid-1990s I worked at a nonprofit legal organization that designed, implemented, and evaluated drug courts and other problem-solving courts. I saw the value of these courts—helping offenders kick their drug addiction, keeping them out of prison—but I also worried about the courts’ potential Big Brother impact on the offenders with their expectations of behavioral change. As I was discussing these thoughts with a senior staff member who had been involved in criminal justice policy for twenty years, she responded that while it sounded like we were imposing white middle-class values onto poor minorities, nothing else had worked. I still think about that conversation often—namely, if these courts do help to keep people out of jail or prison, are their moralistic expectations of behavior worth it, especially considering the experience of policy practitioners who have seen countless other attempts at reform fail?

I went to graduate school to explore that question but then was confronted with another equally confounding one. I was trying to defend my coworker’s view of drug courts to a faculty member, who asked the following question, which I’m paraphrasing here: “While the courts’ goals are honorable, wouldn’t it be better to spend the money on improving our decaying schools, building affordable housing, and increasing the number of jobs?” In other words, we should be addressing the social problems that policy makers acknowledged were often the root causes for the crimes committed by the offenders entering these specialized courts, instead of focusing on those individuals to change their behaviors.

Those two questions explain the impetus for this book—how can we understand drug courts from both the practical policy view and the broader sociological perspective? How can I straddle the lines between the two audiences without forsaking the analysis? It means that I need to question the ideological premises of drug courts of accountability and therapeutic jurisprudence without accepting them at face value. Yet, at the same time, I do not want to reduce drug courts to being Orwellian expansions of social control over docile bodies of drug offenders without also raising the possible practical value in such courts. In short, I have attempted to validate the efforts of the

drug court staff members, who are tirelessly dedicated to “doing good,” while also questioning the iatrogenic effect that their efforts can produce.

My hope is that policy makers will come away from this book with a newfound perspective about the unintended consequences of these courts and the courage not to jump on board any reform train that appears to work. I equally hope that academics will see how debunking policy reforms is not a helpful approach to rectifying the social inequalities created by the contemporary justice system.

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## *Discretionary Justice*

