

## **Book Review**

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*Enforcing Freedom: Drug Courts, Therapeutic Communities and the Intimacies of the State*, by Kerwin Kaye, Columbia University Press, 2019, 360 pp., \$35.00 (paperback) ISBN 9780231172899

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Kerwin Kaye, author of *Enforcing Freedom: Drug Courts, Therapeutic Communities and the Intimacies of the State* (2020) provides a comprehensive cultural, historical, and political account of two influential movements impacting the governance of people who use illegal drugs in the United States. The appeal of drug courts as an alternative to incarceration complemented with therapeutic communities (TCs) to enhance control over people who use drugs has increased in popularity across the United States despite mounting criticism of both movements, particularly by academic researchers. The author of *Enforcing Freedom* adds to our understanding of drug courts and TCs using ethnographic strategies, which includes months of fieldwork, observations, interviews, and informal conversations, producing insights rarely found with more standardized research methods. Gaining perspective on every angle of drug courts and TCs, this book contributes an up-close and intimate vision to a national discussion on how to address the despair of individuals and destruction of communities after a long war on drugs. As policies and cultural attitudes are shifting, slowly, from punitive to therapeutic responses, the author provides not only details of historical processes but also insights on the political environments that produced new systems of power at the expense of the suffering and marginalized. Adding to the popular academic discourse on the culture of control, *Enforcing Freedom* enhances our understanding of a new social landscape influenced by neoliberal values and ideals. Amid an onslaught of anti-neoliberal critique, well-articulated in this book, the author offers a multi-faceted view on the lived reality of people governed by coercive tactics, well-meaning or not.

Like many ethnographies, this book opens with field observations illustrating a typical drug court scene with courtroom actors, poignant dialogue, and interpretative commentary from the ethnographer's gaze. This short but illustrative depiction sets the stage for an historical treatise of the birth of drug courts as therapeutic tools of justice. Drug court proponents call the tactic used in drug courts "therapy with teeth," while academic critics use terms such as "enlightened coercion" or "therapeutic punishment" (Kaye, 2020, p. 8). The deluge of disapproval against drug courts from its opponents' centers on the unnatural union of the court system, given power over individual freedom, with healthcare and social systems designed for different purposes. Rather than the marriage made in heaven proclaimed by drug court designers, this union is fraught with the problems inherent in patriarchal models, in which one partner has more control. The racial and ethnic disparities pervasive in the criminal justice system have infected this union. Its narrow focus on efficacy and cost-benefit analysis, which Kaye identifies as conforming to "the dominance of

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finance within neoliberal state-making" (Kaye, 2020, p. 15) ensures an unequal distribution of resources to those deemed more deserving. While much of this intensely researched book is a compilation of critical literature on drug courts and TCs, what the author adds to a widening scholarly critique of drug courts is a glimpse into the everyday lives of people who come under the governance of drug courts, augmented with first-hand knowledge of the popular treatment model contracted by drug courts therapeutic communities.

I was interested in reading this book because of its promise to appeal to both fans and skeptics of drug courts, as well as to update my knowledge of a treatment model that I thought was as outdated as cults. While not disappointed and often enriched by the extensive historical and political descriptions provided, the author follows a frequent academic trend to provide more criticism than praise for either drug courts or TCs. The most enlightening moments, in my view, are when the author entertains questions on why some participants in such controlling situations appear to not only prosper but appreciate what appears to be highly unpleasant settings and sometimes despicable behavior by those who have control over them. These are the particular gems I found fascinating in this critical analysis of coercive systems of control.

Readers new to the drug court literature will be thoroughly informed by the enormity of information collected in this book. The beginnings, continuous developments, and recurrent critiques of drug courts are exhaustively covered in the first two chapters, and the author complements these with perceptive knowledge gleaned from his field work and interviews. The ghosts of the *New Jim Crow* (Alexander, 2012) haunt the exposés that are ever worthy of recall:

*[D]rug treatment courts are not primarily about drugs but instead form a technique of social management over the racialized poor. This step in the medicalization of poverty not only makes structural conditions invisible, it also pathologizes survival-based responses to social and economic marginalization and, in effect, offers professionalized management (judicial and otherwise) of low-level subterranean political resistance. (Kaye, 2020, p. 22)*

Drawing from seminal works on disciplinary power and the culture of control (Foucault, 1977; Garland, 2009), the author clarifies the neoliberal groundwork supporting drug court models that so incenses academic sensibilities. Kaye writes, "drug treatment has the symbolic potential to cure participants and to render them part of the general collectivity, but failure at treatment leaves them othered, even if no drugs are currently being used" (p. 25). A section is devoted to explaining how the "brainwashing" techniques reported to be used during war times and in cults are similar to mechanisms used in Synanon, the model for therapeutic communities (TCs) embraced by drug courts. Descriptive vignettes expose the race, gender, class, and sexuality concerns inherent in gaining freedom under coercive tactics designed to integrate socially-ostracized participants into conventional life with acceptable values and behaviors. These are juxtaposed with stories of people who refuse or fail to be reformed to such standards.

Chapter 2 opens with another insightful observation of a drug court "graduation ceremony" with all the pomp and goodwill one would expect from a high school or college graduation event. Judges praise the graduates; graduates thank the judges and drug court staff for their hard work and dedication. A black woman in her thirties speaks before a tearfully joyous audience of court staff, family, and friends:

*This court was a beacon of light, a blessing for my soul. I learned to love myself, and that I deserve the best. I'm now in control of my life, spiritually, emotionally, and personally...I especially want to thank my case manager, now a dear friend and guardian angel...I am forever grateful for you and your fatherly love. (Kaye, 2020, p. 44).*

How do we reconcile this scene with the torrent of highly critical analysis pouring into our heads page after page in the preceding chapter? Is everyone in this courtroom scene brainwashed? The author skillfully and subtly (too subtle perhaps) reminds us that coercive tactics are not the only way to gain control over one's life. The meaningful and often life-saving services appreciated by some of the most disenfranchised and marginalized members of society who fill very desirable drug court slots might receive these services in a less punitive and threatening manner. But that is not how drug courts and TCs are designed. The chapter continues to expound in more detail the way that drug courts "engage with drug offenders in ways that shape their investments in dominant social institutions such as family, work and the law" but is nonetheless a system of "therapeutic surveillance" that represents an expansion of the war on drugs. (Kaye, 2020, p. 47). The author concludes that drug courts are "less a diversion from prison than a diversion from other alternatives to prison" (Kaye, 2020, p. 58). While I longed to read more about these other alternatives, the author remains focused on his exhaustive examination of drug courts from every scholarly perspective and academic theory that can provide greater comprehension of its consequences on people's lives and social situations. On the last page of the chapter our minds are pierced with a chilling proposition by Oscar Lewis (1966) that "the alleged 'culture of poverty' might be treated "psychiatrically" (Kaye, 2020, p. 80). The author argues effectively that drug courts have enacted this vision quietly.

While chapters 1 and 2 leave us wondering how drug courts can achieve any measure of respectability, yet alone acceptance by scholars who are even vaguely aware of this situation, chapters 3 and 4 plunge us into a setting that prompts us to remember why "insane asylums" are a social tragedy of the past. Interspersed by recent stories from TC participants, gathered during the author's ethnographic study within a TC, is an historical overview of a treatment program modeled after Synanon, a rehabilitation residential treatment organization founded in 1958. Brainwashing techniques at Synanon were not only embraced but admired for its indoctrination success, since "the brains of dope fiends who come into Synanon needed washing," according to its founder Charles Dederich (Kaye, 2020, p. 88). Confirmed reports of mistreatment, physical punishment, and mental cruelty "turned a once respected program into a kooky cult," according to a *Time* magazine article published after Synanon became a religion in 1974 (Kaye, 2020, p. 89). Although depressing at times, these chapters provide a greater understanding of the daily experiences of current TC participants through the numerous stories the author scatters among pages of perceptive clarification on the practical and political links between TCs and drug courts. Race, gender and sexuality disparities in punishments encountered during TC group sessions and by peer-leaders is painful to read, but they expose the depths of injustices suffered by participants who are forced to remain in TCs, often paid for by taxpayer funds.

I had to wait until the last chapter to learn how the author proposes to address this dire situation. While refreshing, by comparison, the description of alternatives is sparsely described; some appear to require too radical a political change to be realistic. Nevertheless, this chapter is worth the wait and offers a road out of the dismal judicial landscape depicted in this book. Not wishing to announce a spoiler alert, these hidden pearls are left to be discovered by the reader. I look forward to the book by this author on the polished views of these alternative proposals.

This book is essential reading for graduate students in criminal justice, criminology, sociology, or law. Students interested in social justice and activist involved in criminal justice reform will appreciate the wealth of knowledge compiled in *Enforcing Freedom*. The author writes that his aim in this book is to document "the consequences of liberal governance within the particular context of the drug court and its associated therapeutic practices" (Kaye, 2020, p. 27). This aim is achieved with impressive insight and detail, leaving no stone unturned in this swampy setting. Scholars will praise this book for its erudite contribution, but it is the stories the author brings to light from a diversity of actors and the real-life consequences of their experiences with drug courts and TCs that make this book valuable beyond an academic audience.

## References

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*Review proposal received April 16, 2020*

*Final revision received April 27, 2020*

*Accepted April 30, 2020*