

important lessons for law and development scholars, particularly those interested in fragile or war-torn states. Finally, this book will be essential reading for anyone hoping to understand Sudanese history or contemporary politics, particularly following the secession of the South.

## Reference

Ginsburg, Tom, & Tamir Moustafa, eds. (2008) *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge: Cambridge Univ. Press.

\* \* \*

*Judging Addicts: Drug Courts and Coercion in the Justice System*. By Rebecca Tiger. New York & London: New York Univ. Press, 2013. 208 pp. \$23.00 paper.

Reviewed by Erez Garnai, Department of Sociology, University of Minnesota

Drug courts began to proliferate in the mid-1990s, following the War on Drugs, at a time when the prison boom was at its peak. The ailing criminal justice system, faced with a mass of drug-related offenders, high recidivism rates, and a general feeling that “nothing works,” needed a cure. Drug courts were established as a potential remedy. By now, celebrating their 25th anniversary, there is a rare consensus on the success of drug courts within a criminal justice system often criticized for being either “soft on crime” or overly punitive. In *Judging Addicts*, Rebecca Tiger, a professor of sociology at Middlebury College, traces the roots of this consensus. Grounded in a sociology of knowledge perspective, the book delineates the success of drug courts by focusing on the development of our ideas about addiction. Drug courts, claims Tiger, are a manifestation of the “historical triumph” of the disease model of addiction. Moreover, it is a triumph that certifies the formal integration of the medical model into the heart of the state’s judicial procedure—profoundly altering the character of “judgment.”

From a philosophy of punishment perspective, the rise of drug courts in particular, and problem-solving courts in general, is somewhat perplexing, given the collapse of the rehabilitative ideal in the 1970s and the proliferation of extremely punitive forms of

punishment ever since. In what is her most original contribution to the limited (yet growing) critical literature on drug courts, Tiger addresses that conundrum by shifting our focus from developments within the criminal justice system to trends and forces outside the system, without which the success of drug courts would have been “unthinkable” (p. 112). In very clear and accessible language, Tiger presents a compelling investigation of how we got to “this place where people see coerced drug treatment with the threat of incarceration as an enlightened and humane approach to drug use” (p. 26). The medicalization of addiction, she argues, in part the result of controversial discoveries about the neurological origins of addiction, has managed to transform the idea of addiction into a disease, whose origins are in the brain and requires cure. The role of medicine, however, is limited; it provides the diagnosis but is not (yet?) able to provide the cure, which is left for the criminal justice system to deal with. Only within this “gray area”—in the gap between the diagnosis and the treatment—could a hybrid such as drug courts have emerged, a crossbreed that mixes therapeutic and punitive approaches in treating its subjects as both “sick” and “bad.”

Tiger’s overarching project is to question two of the central dogmas underlying the success of drug courts. First among these is the common perception of drug courts, in the eyes of its proponents and in the media, as enlightened and innovative. Relying on the work of historian Michael Willrich (2003), Tiger shows how the supposedly revolutionary combination of newly discovered scientific knowledge, together with a legal system eager to take an active social role in the transformation of people’s lives, dates back to the Progressive Era. The discussion of the rise, and potential fall, of juvenile courts, first established in 1899, is extremely useful and calls to mind juvenile justice scholar Barry Feld’s argument that the “historical ideal of the juvenile court” has turned out to be “neither therapy nor justice” (Feld 1997: 68). The reader, then, is left to wonder whether that would also be the fate of the burgeoning drug court movement.

Second, Tiger encourages the reader to question the underlying ideology of drug courts, according to which “habitual substance use is caused by the disease of addiction, the cure for which is abstinence from drugs best achieved through heavily monitored drug treatment” (p. 2). In Chapter 4, Tiger presents her analysis of the construction of addiction as a disease, and therefore, as a problem that requires a medico-scientific, value-neutral solution. In the following chapter, she shows how drug court advocates actively construct the solution, drawing on the aforementioned medicalization of addiction to buttress the idea of coerced treatment, which is then implemented not by trained medical professionals, but rather, actors from within the criminal justice system. The strength of Tiger’s argument is exhibited in her emphasis on

historicizing the struggles and contestations over the meaning of addiction and the judiciary's role in relation to social problems. That emphasis, however, slowly fades in her analysis of the contemporary dynamics in the drug court field. The current field is unproblematically generalized and described as a homogenous, univocal field, composed of only "advocates" and "proponents," as if the struggles and contestations of the past have come to an end.

Tiger asserts that we live in a drug-obsessed society, in which anything and everything is perceived as addictive. Within this context, she encourages us to rethink our taken-for-granted ideas about addiction and rehabilitation. As a thought-provoking challenge to the dominant discourse, she wonders: "what if there is no such thing as addiction, understood as a chronic relapsing condition best treated through coerced sobriety?" (p. 38). Instead of the binary moral discourse, in which there could only be "good" or "bad," "natural" or "contaminated," "drug-free" or "addicted," Tiger suggests a more nuanced and useful perspective on self-control. Finally, we are reminded, drug users are not all irrational helpless individuals living in pain, but are also agentic, rational beings seeking pleasure. By challenging the dominant perception of addiction and shedding light on the way this perception has managed to infiltrate the criminal justice system, Tiger's *Judging Addicts* provides an important contribution to the literature on the drug court movement, which has so far been lacking this much needed critical attention.

## References

- Feld, Barry C. (1997) "Abolish the Juvenile Court: Youthfulness, Criminal Accountability, and Sentencing Policy," 88 *J. of Criminal Law and Criminology* 68–136.
- Willrich, Michael (2003) *City of Courts: Socializing Justice in Progressive Era Chicago*. New York: Cambridge Univ. Press.

\* \* \*

*Righting Educational Wrongs: Disability Studies in Law and Education*. By Arlene S. Kanter and Beth A. Ferri, eds. Syracuse: Syracuse Univ. Press, 2013. 402 pp. \$45.00 cloth.

Reviewed by Ravi Malhotra, Common Law Section, University of Ottawa Faculty of Law

This exciting new anthology edited by Arlene Kanter and Beth Ferri originates in the Disability Studies in Education Second City