

Drug Court: Constructing the Moral Identity of Drug Offenders

By Mitchell B. Mackinem and Paul Higgins. Springfield, IL: Charles C Thomas Publisher, 2008. 178 pp. \$49.95 (hard cover), \$33.95 (paperback).

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In *Drug Court: Constructing the Moral Identity of Drug Offenders*, authors Mitchell Mackinem and Paul Higgins illuminate the concept of therapeutic jurisprudence in America's drug courts and challenge negative characterizations of hopeless drug offenders. Therapeutic jurisprudence involves using the court's power to promote and supervise voluntary defendant-clients in treatment as an alternative to traditional punishment.

Mackinem and Higgins, professors of sociology, use three drug courts in a southeastern state to exemplify how therapeutic jurisprudence can foster recovery of willing drug offenders. They show that drug courts offer an alternative to diversion for low-risk offenders who would otherwise contribute to jail overpopulation. The writers deconstruct how drug courts organize, operate, and manage offender participants by presenting data from the literature and field data from the three featured drug courts. Case examples demonstrate how clients are referred, which clients are accepted, and how the team monitors each client's performance and progress. These realistic depictions provide valuable insight into the operational and therapeutic aspects of drug court diversion programs today.

Drug offenders are presented much differently from the classic archetype of the pitiful, incorrigible addict as portrayed, for example, by Frank Sinatra in *The Man with the Golden Arm*. The notion that addicts must hit rock bottom before recovery can begin is abated by the authors. They maintain that clients more often voluntarily enter the diversion programs without rock-bottom phenomena catalyzing their treatment participation. With the support of the rehabilitation team, clients have an opportunity to shed personas bestowed upon them by society and to uncover or recover more favorable identities. This transformation, however, differs from the construction of moral identity noted by the book's title.

Drug court professionals create moral identities of drug offenders based on the offenders' potential in the program. Then the program staff modify participants' moral identity while they are enrolled in the program. A newly admitted offender is given a provisional identity of "worthy drug offender."

During the program, drug court professionals adjust the moral identity of participants, depending on how motivated they are to comply with program requirements and to show growth beyond a baseline level of criminal and addictive behavior. These moral identities, in turn, dictate how much support or sanctioning a participant will receive. For instance, a participant who is making progress is likely to garner less censure for missing an Alcoholics Anonymous meeting than the treatment-smart participant who knows the ins and outs of treatment but fails to show change. Thus, each participant's behavior and motivation determines the course of his moral identity. The authors say that drug court professionals use this method to determine the potential of each offender, in an effort to promote eventual success for each participant.

Apart from their realistic portrayal of effective drug courts, Mackinem and Higgins also make a compelling argument for drug court programs; they reference numerous studies that describe the effectiveness of drug court programs in reducing recidivism by participants. These data have been favorably received by the justice system, communities, and families of participants who hope for change.

This book is a good resource for professionals engaged in the drug court process. The book is not, however, an essential read for forensic psychiatrists, because the authors do not identify a fixed or consultative role for forensic mental health in drug court programs. Although clinical psychologists and therapists facilitate treatment and inform the program coordinator of client participation, mental health professionals play little if any role during court proceedings. In fact, the authors note reservations in accepting potential participants who have mental health problems that require regular medication management. The authors opine that the severity of a mental disorder or use of controlled medication may hinder the ability of an offender to succeed in the program. In sum, *Drug Court* is recommended as a basic, nonclinical reference about the drug court system for lawyers, laymen, and mental health clinicians who deal with substance abusers regularly.