
Book Notes: Criminal Artefacts: Governing Drugs and Users, by Dawn Moore

Maija Martin

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>
Book Note

Citation Information

Martin, Maija. "Book Notes: Criminal Artefacts: Governing Drugs and Users, by Dawn Moore." *Osgoode Hall Law Journal* 47.2 (2009) : 395-396.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol47/iss2/8>

This Book Note is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

Book Note**CRIMINAL ARTEFACTS: GOVERNING DRUGS AND USERS,**
by Dawn Moore¹

MAIJA MARTIN

IN *CRIMINAL ARTEFACTS*, Dawn Moore breaks open the assumed causal link between drugs and crime. Deconstructing the network between drugs, drug users, and the state, Moore focuses on the history of governing strategies to control and rehabilitate the criminal drug user. In the foreground of her analysis is a consideration of notions of power, agency, and the control of aberrant behaviour. She purposely refuses to “tidy the disarray of the criminal addict” or provide a viable alternative approach to the problem of criminal addiction as it has been constructed. Her goal is to reveal interconnections rather than to marshal evidence in support of a particular legislative or judicial approach to drug addiction.

Through interviews with drug users, judges, lawyers, therapists, psychologists, psychiatrists, and drug treatment professionals; observation of drug treatment courts in both Toronto and Vancouver; and searches of legislative and archival materials, Moore conducts research into post-World War II attempts by the government to intervene in criminal addiction. She begins by providing a history of strategies to deal with addiction through the criminal justice system, arguing that theoretical shifts either toward or away from incarceration have been directly linked to economic considerations: in times of growth, government policy tends to focus on treatment, while, in times of recession, there is a move towards more punitive, correctional-based models.

Moore examines the ways in which personalities have been ascribed to particular drugs and how these personalities impact approaches to criminal addiction. The personalities of drugs are described as a reflection of their cultural and scientific properties—a combination of what drugs actually do and what they are thought to do. This approach does away with the exclusive reliance on

1. (Vancouver: UBC Press, 2007) 189 pages [*Criminal Artefacts*].

pharmacology as a way to know a drug. In this way, Moore challenges the notion that addicts are scientifically knowable beings by describing how these personalities impact the ways in which the criminal justice system responds to the use of particular drugs. Popular thought concerning the effects of drugs is described as being as effective as clinical information in determining the way in which the courts address drug and drug-related crimes.

Moore focuses her research on criminal drug treatment initiatives in Ontario, the first province in Canada to implement a drug treatment court. She uses the Ontario regime to demonstrate the rise of psychology-based approaches in the penal system, arguing that the connection between law and psychology is a crucial element in punitive systems of drug treatment. She advocates for a decoupling of the legal and psychological approaches to drug use, moving away from "therapeutic jurisprudence"² in order to preserve due process protections and ensure the ethical treatment of drug users in the criminal justice system. She outlines a number of rights that are forfeited by individuals involved in drug treatment court, including the right to not plead guilty, the right to be secure from unreasonable search and seizure, and the right to confidentiality. While drug treatment courts may be preferable to incarceration in terms of harshness of treatment, Moore argues that the drug treatment court model is based on questionable theoretical underpinnings, particularly from a legal perspective.

Moore concludes by looking at the practices of criminal addicts that either support or subvert the governing strategy. Ultimately, she invites a broad rethinking of the notion of crime rather than supporting a specific policy for dealing with criminal addiction. She states that "[i]n assuming that one way of acting out criminal justice is better than another, one loses the potential for seeing criminal justice differently or exacting radical changes in the system."³ Her interest does not lie in simply improving the current drug treatment court model, but rather in reconsidering the notion of criminal drug addiction in its entirety.

2. *Ibid.* at 96.

3. *Ibid.* at 165.