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Theoretical Criminology 2014 18: 5
DOI: 10.1177/1362480613519287

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What is This?
Outcasts, performers and true believers: Responsibilized subjects of criminal justice

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Abstract
We draw on a field study of three drug treatment courts to show that responsibilization strategies create a paradox of bulimic exclusion and empowerment for individual subjects. By theorizing three different subjectivities emerging from our research sites (outcasts, performers and true believers), we show how subjects of intervention actively work to negotiate their own experiences of responsibilization.

Keywords
Drug treatment court, neoliberalism, responsibilization, social exclusion, specialized courts, subjectivity, theory

Introduction
Since recognizing responsibilization as a core technique of the neoliberal state, considerable intellectual energy has been dedicated to theorizing practices of responsibilization within broader criminal justice enterprises (Garland, 1996; Goddard, 2012; O’Malley, 2008; Rose, 1996). The fruitful results of these endeavours reveal a great deal about practices of responsibilization, including their ultimate disciplinary effects. Despite this
sizeable body of knowledge, little is known about the subject positions and experiences of those targeted by responsibilization strategies. The prevailing narrative suggests that responsibilization is a totalizing, top-down strategy that creates a hierarchical form of governance in which targets lack both individuality and ability to act. In this article we challenge these assumptions by sketching out three distinct characters we observed through studies of responsibilization strategies in criminal justice based rehabilitation programmes. These three: outcasts, performers and true believers, represent a disparate array of subjectivities that emerge from responsibilization strategies, challenging assumptions that responsibilization exclusively works to shape one particular subjectivity or functions on a strict power hierarchy. At the same time, we also show that these disparate subjectivities are tied to a broader regime of bulimic exclusion (Young, 1999, 2007) by which individuals, regardless of the kind of subjectivity they assert, or the ways in which they may enter into the social mainstream, are still ultimately (r)ejected from society.

Drawing on field research in three Canadian drug treatment courts (DTCs), we describe the outcast, performer and true believer: each a type of individual encountered in our studies who has a particular reaction to responsibilization. Outcasts reject or are rejected by responsibilization strategies outright. The performer and the true believer both accept responsibilization though to varying extents. The true believer fully embraces the premises of programming, adopting the language of recovery and responsibility and even advocating for responsibilization programmes. The performer, in contrast, acts out responsibilization in particular circumstances while rejecting it in others. The performer, at times, will also reinvent responsibilization, enacting the theory of taking responsibility for herself but changing the practice by acting ‘responsibly’ in ways not defined or directed by criminal justice agents. These insights, we argue, lead us to two important theoretical observations. First, that in the absence of a consideration of the subjectivities of targets of governance it is impossible to develop a fuller understanding of how, exactly, responsibilization works. Second, that responsibilization can be a reciprocal process of negotiated self-governance even as it also (and in the same setting) maintains its disciplinary roots.

We are cautious here in presenting the three characters, outcasts, performers and true believers, not as archetypes but rather as fluid and loose groupings of particular characteristics that help us to shape a critical understanding of what it means to be responsibilized. Our assertion, following the work of Cruickshank (1996), is that the subjugation theorized as inherent to responsibilization strategies is a more complicated assemblage of human actions and relationships than the current literature would have us believe. Responsibilization cannot be simply understood as a strategy of governing at a distance that makes up particular subjectivities (Garland, 1996). It is, rather, a more complex arrangement of hierarchal and self-governance in which some individuals actively perform but ultimately, at least in regards to the hyper-marginalized who populate the criminal justice system (CJS), are mostly ingested only to be later expelled by society. It is this process of inclusion and expulsion cloaked in the language of emancipation and self-realization which Hirai (2010a, 2010b) refers to as ‘bulimic empowerment’. Hirai builds on Young’s (1999, 2007) earlier work on bulimic exclusion in which he critiques social programming for making the promise of inclusion to marginalized people thereby accepting them into the social mainstream only to later eject them (hence the bulimia) when it becomes clear their ‘otherness’ is inescapable.
Responsibilization

In ‘The limits of the sovereign state’, Garland (1996) lays out the central characteristics of neoliberal crime control including privatization, managerialism, governing at a distance and responsibilization. Garland (1996: 452) describes this responsibilization strategy as, ‘[t]he Central state seeking to act upon crime not in a direct fashion through state agencies (police, courts, prisons, social workers) but instead by acting indirectly, seeking to activate action on the part of non-state agencies and organizations’. This institutionalized view of responsibilization as an articulation of governance at a distance was soon adapted to recognize practices of crime control targeting individuals. Rose (2000) recognizes that responsibilization strategies cross the boundaries of institutional governance to target individuals in conflict with the law. For Rose self-responsibilization is yet another iteration of governing at a distance in which individuals are recruited into the governing strategy through initiatives which educate them to care for and be responsible for themselves. Building on Garland’s earlier work marking criminologies of the self and criminologies of the other, Rose characterizes what he terms ‘advanced liberal democracies’ as governing through notions of exclusion and inclusion. The excluded are the criminalized, the underclasses, the pathological and any additional ‘others’ who do not or cannot conform to the ideal of the prudent, self-actualized, neoliberal self. The included are, of course, all the rest. Thinking through responsibilization, Rose (2000: 334) suggests that responsibilization works,

[to reconstruct self-reliance in those who are excluded … within [the] new politics of conduct, the problems of problematic persons are reformulated as moral or ethical problems, that is to say, problems in the ways in which such persons understand and conduct themselves and their existence. This ethical reformulation opens the possibility for a whole range of psychological techniques to be recycled in programmes for governing ‘the excluded’. The imperative of activity and the presupposition of an ethic of choice, is central not only to the rationale of policy but also to the reformatory technology to which it is linked.

Hannah-Moffat (2000) takes Rose’s argument one step further in her study of responsibilization in women’s prisons. She offers a careful critique of strategies of responsibilization twinned with strategies of empowerment. Hannah-Moffat (2000: 528) argues that through such initiatives women prisoners learn to ‘take responsibility for their actions in order to satisfy the objectives of the authorities and not their own’. Hannah-Moffat demonstrates how the moral and ethical techniques of responsibilization become moralizing and disciplinary through practices that serve the institution’s interests over a woman’s own needs. Importantly, Hannah-Moffat (2000, 2005) carefully explores the gendered nature of these practices of responsibilization, suggesting that in a climate which purports to be ‘sensitive’ to cultural and gendered differences, attempts to recognize and incorporate difference into decision-making practices often work to penalize further and/or marginalize women and racialized people.

The links made by Hannah-Moffat and Rose between responsibilization and empowerment are vital and add to the richness of critical responses to responsibilization strategies. Cruickshank (1996) offers up the bridge in her critique of the women’s self-esteem movement as she describes technologies of self-government that are effectively
responsibilization strategies wherein individuals are entreated to empower themselves by caring for themselves in scripted ways. Moore and Hannah-Moffat (2004), in their critical analysis of responsibilization strategies observe ‘the wedding of individual choice and responsibility’ (p. 93). Under neoliberal penal resume, subjects of rehabilitative programmes are empowered as rational and responsible choice-makers. Responsibility and empowerment become interchangeable.

From these bodies of work, responsibilization is revealed as a tool that appears to subscribe to an emancipatory agenda as it recruits neoliberal notions of choice and empowerment to charge individuals to take control of their own lives (and thus join the majority in the society of the included). As the work of Hannah-Moffat (2000) and Hirai (2010b) shows, such emancipation, however, is more rhetoric than practice as the operationalization of actual practices of empowerment appears to guide the individual towards a particular, state defined subjugation in which the individual who takes responsibility for herself ends up paradoxically, following the directions given by others.

In reviewing critical literatures on the governance of the self, Hacking (1986: 236) asserts, ‘[critics] leave out the inner monologue, what I say to myself. They leave out self-discipline, what I do to myself. Thus they miss the permanent heartland of subjectivity.’ Subjectivity is vital to overall governing strategies (Foucault, 1994) as well as the targeted strategy of responsibilization. Butler (1997) claims that subjectivity is an integral aspect of the juridical field. It is through the disciplinary constitution of subjectivity that individuals are rendered socially and culturally excluded. Often though, as both Butler (1997) and Foucault (1997) remind us, these strategies of exclusion are written out of juridical scripts such that we are left with narratives of individual failure instead of a more fuller recognition that exclusion is not a result of personal insufficiencies. Rather, the choices one makes only impact the proximity of the inevitable outcome.

The juridical apparatus is set up to result in the same outcomes over and over again as it produces the same conditions of exclusion it promises to remedy. Though drawing on his structuralist allegiances, Young (1999, 2003) elucidates Butler’s point in drawing attention to what he terms the ‘bulimic society’. Young (2003: 397) describes a society in which, ‘Massive cultural inclusion is accompanied by structural social exclusion. It is a society that has both strong centrifugal and centripetal currents: it absorbs and it rejects.’ While we want to propose a centrifugal exclusion that is not solely driven by structure, we are inspired by this model of a society that simultaneously takes in and rejects. We argue that this bi-directional model explains a great deal about the mechanics of responsibilization, itself a strategy of inclusion which, as we show below, ultimately fails on its centrifugal promise.

This observation is readily made through the extant research on responsibilization (especially Hannah-Moffat, 2000). We recognize that the starting point for most critical theorizing on responsibilization and subjectivity has been rationalities of governing, or how governmentalities conjure particular, usually unified subjectivities of emancipation which are achievable through prescribed programmes of self (Rose, 2004). We take as a unique starting point the subjectivities of the individuals targeted through these programmes. In so doing, we expand theorizing on subjectification through responsibilization by showing multiple ways in which individuals engage with responsibilization strategies and how, in turn, these engagements work to constitute particular ‘kinds’
(Hacking, 2001) through which individuals negotiate self-governance reciprocally. Our contribution to the field of critical research on responsibilization, then, rests on our empirical return to the heartland of subjectivity that reveals both the inner monologues and the actions of the responsibilized subjects. This in turn suggests a form of self-governing by which individuals act to take responsibility for themselves through an array of techniques including those that run counter to the dictates of the prescribed regime. The end result here may well be that these people come the closest to embodying the entrepreneurial spirit of neoliberalism but are nonetheless ultimately excluded because, highlighting the true paradox of these strategies; the more individuals act to take care of themselves, the more they locate themselves outside governing expectations.

**Drug treatment court**

We base our argument on empirical data from three Canadian drug treatment courts (DTCs). DTCs are judicially supervised addiction treatment programmes for individuals facing custodial sentences for non-violent offences who also have a demonstrated addiction to opiates, crack/cocaine or methamphetamines. Those enrolled in the DTC programme attend daily treatment sessions as well as twice weekly court appearances to ‘check in’ with the supervising judge about treatment progress. Moore conducted approximately 800 hours of court observations in the three Canadian courts. In addition, she interviewed 42 individuals who have participated in the DTC programme.

The DTCs are based on the notion of therapeutic jurisprudence (Wexler and Winnick, 1996), an innovation in thinking about the application of the law that reinvents the juridical realm as a space of healing (Wexler and Winnick, 1996). There are many iterations of the therapeutic jurisprudence movement including the problem-solving courts of which DTCs (or drug courts as they are known in the United States) are the flagship enterprise despite their questionable results (Moore, 2007). The main mantra of the court is to encourage individuals to take responsibility, not so much for their crimes as for their addictions and the amelioration of their lives through the process of recovery. Individuals are often reminded of this task in open court when they report to the judge. An individual who reports that she has complied with all court conditions (typically to attend treatment, turn up clear urine screens, live at a designated residence and so on) is praised for her responsible behaviour. In contrast, those who fail to follow court directives or meet expectations are often told they appear unwilling to take responsibility for themselves. They commonly hear, ‘we [the court] can’t do this for you. You have to do it for yourself.’

Ten years spent in the field researching DTCs show quite clearly that capturing what is officially said and/or documented about court dynamics in general and concerning responsibilization specifically does not tell the full story of how responsibilization works. This is largely because, as Goddard (2012) points out, there is a silencing of the subjective experiences of those who are implicated in the project of responsibilization. What the field work on DTCs reveals is that subjectivity plays a complex and important role in the dynamics of responsibilization, outlining at times competing narratives of what it means to be or become responsible. We turn now to sketching out the three characters we met in DTC in an effort to reveal the complex nature of responsibilization strategies.
Outcasts

Both Garland (1996) and Rose (2000) suggest that responsibilization strategies are a means of transitioning individuals from exclusion to inclusion. The idea here is that, as individuals learn to take greater responsibility for their lives (by changing their thoughts and actions), they will be normalized into a mainstream lifestyle. Outcasts are the failures of this project. These are the individuals who either reject or are rejected by the DTC programmes. They also constitute the vast majority of individuals with whom we came in contact. While most participants end up as outcasts, the most profound examples come from those who are expelled or leave the court programme quickly (within the first month or so) or those kept out of the DTC entirely due to apparent ‘unsuitability’ manifested through gang involvement, poor motivation, mental health issues, histories of violence and the like. Because these individuals spend such a brief time in the programmes, it is not easy to interview them. We rely on observations as well as accounts from other participants to help us understand the outcasts. This empirical limitation means that our field data on the subjectivity of this group is limited. While this constitutes a far less comprehensive portrait than what we are able to present concerning performers and true believers, we feel it is important to include outcasts here because they constitute such a sizable portion of the population.

Our synopsis of one individual’s appearances in DTC helps to animate the outcast:

When Adam1 was first taken into DTC the Crown prosecutor (representing the state) expressed reservations because of his offence history and because Adam did not appear to be particularly motivated to come into DTC (these were the Crown’s words). Adam, however, exhibited enthusiasm for the programme in his initial interview with the judge and managed to gain acceptance on the condition that he would go immediately from custody into a residential treatment facility for a period of time. By his second week in residential treatment, the treatment liaison was reporting in open court that indications from the treatment centre were that Adam was ‘struggling’, though no further detail was given. At the next court session Adam appears. He was kicked out of the residential treatment programme because he was having angry outbursts during group therapy sessions. At this point the Crown raises concerns about Adam’s suitability for DTC given his behaviour in residential treatment and his inability to complete the programme. The judge opts to give Adam a second chance with a stern warning that he had best comply with court expectations now that he is back on the street. On Adam’s next appearance he reports that he is unhappy with the housing assigned by the court (a shelter bed). The judge responds that the court believes this housing is safe for Adam and that he is expected to stay there until he is more stable in his recovery (he has also been using on and off). At his next scheduled appearance Adam is nowhere to be found. The court learns that he packed up and left his residence last night. No one knows where he is. A bench warrant is issued for his arrest.

Adam’s case is typical of the Outcast. The court takes him in and later he is rejected. We do not know the reasons Adam left the residence and did not return to DTC but based on other cases and interviews with other participants, it seems likely that a number of factors came into play here including his inability to have much say in his housing, the Crown’s unwillingness to support him and his own personal convictions about how, when and if he actually wanted to quit using dope.
Adam’s story is common in DTC and scenarios like his account for over a third of the dropouts and expulsions from the court. Anna’s story is similar. Anna had a rocky start in DTC. She missed appointments, failed to complete her assessment and acquired new criminal charges all within the first month of her participation. The Crown was adamant that, on these grounds, Anna be ejected from the programme. The duty counsel offered the following defence:

She missed appointments because she was residing at a shelter most of the time. This was a difficulty for her she reported to the court and to treatment. She did make some efforts to change the situation. She applied to go to residential treatment. She was not admitted, not because of anything she did. She is willing to continue to try to find appropriate residential treatment. Anna’s been asking for residential treatment since very early on in the programme; that speaks to motivation. With regard to her living situation, she applied to alternative housing at —. She’s made efforts to contact staff since she’s been in custody. She’s been told she needs to be interviewed. She also contacted a residential treatment facility but that’s a location that’s not going to be appropriate for her unfortunately. This wouldn’t be the first time someone goes missing from drug treatment court and been allowed back in drug treatment court. I’m asking you to afford her that same opportunity. I’ve been very clear and she’s been clear with me that she understands that if she’s allowed back in it’s a last chance. We all agree, myself, the Crown and treatment, that Anna does need help. She has an addiction that has been very long standing and it has been very difficult for her. She’s reached out for help.

Above we quote Rose (2000: 334) describing responsibilization as a governing strategy that works to, ‘reconstruct self-reliance in those who are excluded’. What we see in both Adam’s and Anna’s experience is that responsibilization works neither to reconstruct self-reliance nor to include those who have been excluded. In fact, it does the opposite.

Arguably both Adam and Anna embody the kind of empowered self-reliance imagined for the neoliberal self of responsibilization strategies. They encounter impediments to recovery in their court prescribed living arrangements so as to facilitate recovery. Even though they try to be responsible for their recovery, they are regarded as irresponsible because their own ways of taking responsibility differ from the DTC’s way. In their cases, their attempts at self-advocacy are either ignored (as with Anna) or punished (as with Adam), showing that these responsibilization strategies are less about constructing self-reliance and more about advocating a kind of blind obedience to directives which may, in fact, prove an even greater hindrance to the project of recovery. In this way, their expulsion exhibits the paradox of neoliberal governance well documented by Cruickshank (1996) and Hannah-Moffat (1999), theorized here as a form of bulimic exclusion. Adam and Anna are told they can escape their criminalized, outsider status by taking responsibility for themselves. The actual manifestation of responsibility here, however, is meant to follow a very particular script, the deviation from which is grounds for both the literal expulsion from the court and the symbolic expulsion from an apparatus which promises normalcy and subsequent inclusion. Responsibilization then is not, strictly speaking, a means by which the excluded become included. It can be a means of further exclusion especially for those on the margins.

In terms of outcasts, Adam’s and Anna’s cases are typical of the kind of bulimic exclusion we want to describe. The courts often explain these scenarios (which are very
common) as indicators that an individual simply was not ready to engage in a treatment process. Other research (Moore and Lyons, 2007) as well as data from this study suggests that the courts also have a great deal of responsibility in the decision of whether or not an individual stays in the programme. This is commensurate with Young’s own observations about bulimic exclusion. Young (1999), working on a much more macro level, builds on Merton’s notion of the bulimic society to suggest that the late modern condition is characterized by a deliberate enticement of the ‘other’ into the cultural and social mainstream coupled with a perhaps less deliberate rejection based, externally, on the inability of the marginalized to meet the expectations of the majority but, perhaps more accurately, especially for our purposes, is also accredited to the unwillingness of the mainstream actually to create the conditions under which an individual can be included (i.e. through employment opportunities, the lack of racism, etc.). The same, we suggest can be said of those who are excluded from DTC. The possibility of inclusion for some individuals (e.g. Adam in his discomfort living in court assigned housing) simply is not there.

The subjectivity of the outcast reveals two important insights into the ways we can critically understand responsibilization. First we show that self-reliance as a goal of responsibilization can be usurped by the more classic, disciplinary drive to inspire obedience traditionally characteristic of the CJS. Second, we show that those who fail to obey and opt for self-actualization experience exclusion despite the broader promise that, in becoming responsible and self-reliant, individuals will be helped and welcomed into the social mainstream.

True believers

The character of the true believer offers the opportunity not only to see how responsibilization and exclusion work for those individuals who do go along with intervention regimes, but also to look more closely at a subjectivity which is typically ignored in the literature. The one exception here is the work of Erving Goffman. Goffman (1961) notes the presence of what we would call true believers in disciplinary institutions that try to correct and normalize those thought to be deviant. The mental patients Goffman studied made ‘careers’ out of these strategies of normalization (which included practices of responsibility) but, as Goffman notes, these careers (and their accompanying personality changes) were very much specific to the experience of institutionalization. Once outside the institution, Goffman’s inmates quickly realized that the behaviours they learned on the inside did not translate to life in the real world.

We want to show here that it is worthwhile paying attention to the ways in which these individuals narrate their own experiences because, in so doing, we are able to see how responsibilization strategies fail to make good on the promise to emancipate from exclusion those who follow the prescription. First though it is helpful to illustrate how true believers narrate their experiences.

Max describes how the DTC programme made him responsible: ‘As a result of taking it seriously I had to take responsibility for my life … I had to change everything. My whole thinking pattern had to change.’ Max’s sentiments are typical of those who are doing well in DTC or those who have graduated (approximately 10 per cent of those who start out). Max believes in the programme and is steadfast in his conviction that DTC helped him to take responsibility for his own life both through the retrospective
notions of responsibility espoused by organizations like AA and through the more neo-liberal notion of responsibility oriented towards the future and self-actualization.

Sean’s case is perhaps more remarkable though not atypical. Despite the fact that DTCs function on a mutual support model among participants (they go through the programme including treatment and court together and are encouraged to be mutually supportive), intimate relationships between participants go against the rules of the court. Sean and another participant were caught in a romantic relationship by DTC staff and remanded twice as punishment. While Sean claims that some of the rules concerning relationships are less than clear, he overall paints his experience as a positive and helpful one:

I do think the [relationships rule] makes sense … I let the feelings get the better of me. The reason that I’ve broken it down to is that I’ve been an addict for 15 years. And so when you’ve been an addict for that long your feelings start to get numb. And so I started to get clean and I had all these new feelings and emotions and expressed them with another member of the group and fortunately got us in trouble. It could have progressed to something even worse and the worst that it would have gotten, we could have been removed from the programme. I think it’s very important that people do their own programme.

Sean goes on to explain how much the programme has helped him to get clean and how he accepts that he needs to follow all the directives of the court programme in order to secure his recovery.

In Sean’s case, he goes beyond embodying the notions of responsibilization woven into the programme by defending programme practices that seem to run counter to basic ideas of fairness and due process. In few if any other contexts would an individual accept five days in jail as a result of being caught in a romantic relationship. Sean, however, sees the court’s response to his actions as necessary in supporting his recovery. He is even grateful to the court for sanctioning him.

Beyond the steadfast faith in the programme illustrated by Max, Sean’s story reveals something important about responsibilization. Those who do follow the prescription may well find themselves accepting, or in Sean’s case, justifying practices that, to the observer, may well seem unfair and unjustifiably punitive. For Sean however, the internalization of responsibilization means accepting such responses to his ‘transgressions’ without question. The lack of challenge on Sean’s part is itself instructive as it suggests disciplined obedience rather than self-generated action.

In DTC, graduation is seen as the ultimate success. Still, participants recognize that even this achievement does not radically alter their actual living circumstances. Screech, for example, is three years past his DTC graduation. He is still living on welfare in subsidized housing. His main social connection comes through the ‘aftercare’ group offered by the DTC and he spends most of his days riding around the city on his bicycle. A friend lent him some garage space in which he works on an old car he managed to buy. He also admits that sometimes he lives in this same garage.

In contrast to outcasts, true believers are ideal candidates for inclusion. By virtue of their ability to follow the directives of recovery and take responsibility for themselves they meet all the criteria required to enter into the social body. Successful responsibilization, however, does not lead to successful integration. On the contrary, participants report and exhibit all manner of marginalization which comes both as a direct result of the para-
dox of responsibilization as well as the harsh reality that it takes much more than a willingness to take care of one’s self to extract one’s self from the margins.

Building on Young’s (1999) notion of bulimic exclusion, the true believers reflect what Hirai (2010b) calls bulimic empowerment. Recognizing Cruickshank’s (1996) links between the women’s empowerment movement and neoliberal governance, Hirai shows that, beyond Butler’s (1997) and Foucault’s (1991) assertions that the paradox of responsibilization is rooted in disciplinary (and ultimately oppressive) practices, the care of the self, especially in neoliberal terms, can and does follow a script of empowerment which, if adhered to, also often has centrifugal results. Hirai (2010a, 2010b), in his study on a Japanese prison-based addiction treatment programme, reveals that true believers very often experience exclusion as well as emancipation. True believers are empowered through the ‘coping skills’ they learn to help them navigate risky situations once they are released. The reality after release, however, is that discrimination, limited employment opportunities and the like cannot be overcome by these coping strategies. The empowerment the women were given in prison is bulimic; it ejects them even as it promises their acceptance. Such is the case with the true believers in DTC. As with Goffman’s mental patients, no matter how much they ‘believe’ in the programme of DTC and follow it to the letter, no matter how much responsibility they take on according to the scripts of the court, they are still rejected because, as Butler (1997) points out, their subjectification is produced through the very interventions meant to facilitate their triumph over it.

Performers

Performers are also routinely bulimically excluded from the society though their relationship with responsibilization. The response to performers is similar to true believers; the orientation to responsibilization is similar to outcasts. The result is a way of managing the self within the paradigm of the treatment programme such that individuals appear to follow the script of responsibilization even as they take on an alternative practice of self-care. Performers, like outcasts, try to be responsible for their recovery and manage themselves in alternative ways. They do not do this explicitly. Instead they appear to follow the script of responsibilization provided by DTC. As long as they are within the paradigm of the treatment programme, however, they inevitably mirror true believers in their experience of bulimic empowerment and exclusion.

In The Presentation of Self in Everyday Life, Goffman (1959) uses a dramaturgical model to explain the non-essential nature of human activity. Rather than core ‘truths’ of being, Goffman finds variously performed selves whose presentation is specific to relationships and situations. Butler (1997) also reminds us that identities are fluid and selfhood is practice not ontology. In recognizing performance here we do not want to suggest that individuals are in any way inauthentic. Performance is, rather, a way of managing and in many ways, actualizing responsibility for one’s self, even if it diverges from the dominant narrative of emancipatory responsibility. Thus performers are less about following scripts (though some do) and more about acting out particular roles. In many ways we could argue that all of the individuals who participated in our study fit the role of performers as they, following Goffman, all take on particular attributes and learn to embody certain characters. The group we want to distinguish here as performers is set apart from both the outcasts and true believers mainly through their orientation to the programme.
While performers may appear as though they are accepting and acting out the scripts of responsibilization given by their respective treatment programmes, they in fact are often quite critical of those scripts. In DTC this response is clear from many of the participants we interviewed.

John, for example, was enrolled in the drug treatment court (DTC) programme for eight months at the time of his interview. In court he presented as the model participant. He was never late, had several months of clean time, participated in all his groups and individual therapy sessions and was attentive and cordial when appearing before the judge. When we interviewed John many of his views of the programme reflected his positive presentation in the court. John was generally supportive of the programme and felt it had helped him achieve clean time. He thought the counsellors were a valuable resource and the court programme was both unique and helpful. He pointed out several times during his interview that, even though very few people graduate from DTC, we should not underestimate the value of those numbers, noting that ‘5 per cent fewer addicts is 5 per cent fewer people who are out there hurting who knows how many other people’. There is no question that John believes in DTC.

At the same time, however, John remains critical of some aspects of the programme. In the following excerpt he describes his experience following DTC directives to an unexpected outcome:

There was a moment where, because, and it might be a bit of a convict mentality where, you know, you give your word about something and, you know, a deal’s a deal. So I was told when I came into the programme that you would not be sanctioned for telling the truth. Ok so fast forward a coupla [sic] months and I’ve had a use, went on a bit of a run and uh, the judge said that he might make a sanction for me not to be able to see my son because I’ve had a use and this and that. It was a turning point for me because you know I was, he said the wrong thing to me and sometimes the penalty, you don’t even see the penalty and you know I’m glad I kept my mouth shut. I felt like approaching the bench. The truth is I thought, ‘can I get to him before the guards get to me?’ That’s how much it upset me. Now saying it and doing it are two different things but you know, I realized, and now I don’t really trust the judges … it’s hard to trust judges.

In DTC the mandate of honesty is the foundational principle for shaping the responsible subject. The underlying rationale here is rooted in classic narratives of recovery from movements like AA in which it is assumed that part of the ‘disease’ of addiction is a form of self-denial and deception which allows the addict to narrate her life with falsehoods so as to deny the realities of addiction. Through this interaction, John discovers that honesty is not a straightforward proposition in DTC. Instead, the judge counters John’s own attempts to be honest with what, again drawing on AA narratives, might be considered a ‘higher truth’ about the implications of John’s relapse on his ability to parent. Rather than reinforcing John’s will to ‘do right’ in the programme, the judge’s response to John’s attempts to follow the programme’s rules serves to somewhat alienate John from the programme and encourage him to find alternative ways to engage and make it through. John works it so that he is appearing to follow the court’s prescriptions for recovery while protecting himself in light of his distaste for members of the judiciary. Later in the interview John indicates that he is careful now about what he says to a judge and that after his child was used as a ‘poker chip’ he will not follow through with the judge’s attempts to engage him in conversations about his child. Instead, he supplies the judge with one-word answers or tells the judge directly that he finds questions about family too personal.
Tom reveals a more explicit performance of responsibilization.

Tom: I had [geographic] boundaries … I liked the boundaries, they kept you on your toes. Basically, people, places and things, this is true, very true. If you are going to stay in the same area that you used to use in it is extremely hard … that is all they are trying to do, keep people out of those bad areas.

RA: So … was it hard for you to stay out of those areas, was it hard for you or was it just part of drug court?

Tom: No, when I got there [to DTC] they said to me they said, what area do you … I was smart, yeah I was smart … I mean, ya can’t lie … well, gotta [sic] lie on your first day … but uh, he says to me he says, where do you smoke? I told him something like ‘up in the Junction’ so they made my boundaries in the Junction. I’ve never been to the Junction, ya [sic] know what I mean. So I never got there, I don’t want to hear about it. Now I basically, I got no boundaries. Yeah. That’s what I did. That’s what I did.

RA: So you never violated your boundaries?

Tom: Yeah, I could never violate my boundaries, I’m never there … I cleaned up in the [men’s shelter].

RA: Is that residential treatment?

Tom: No, a hostel. The bad hostel. I cleaned up in there. I set up home and said I would get clean in the worst part of the city.

RA: and that worked for you?

Tom: and that worked for me.

RA: so you negotiated what you needed for your boundaries?

Tom: No, you can’t negotiate your boundaries, that why I lied on my first day. I don’t know about this truth part yet,² that is all I am going to say … No … I’m ashamed to say that but it is true.

For Tom, taking responsibility for himself involves a more complicated set of practices through which he must simultaneously be able to appear to the court as though he is conforming to their prescribed practices of responsibility while taking control of his recovery according to his own needs. Tom, despite his shame at lying to the court, manages to navigate his way through the paradox of responsibility by manifesting the emancipated, self-actualized neoliberal subject even as he performs the more classically responsibilized disciplinary subject familiar to CJS based disciplinary regimes.

In Tom the complicated nature of the performer is most clearly revealed. Tom recognizes that taking care of himself involves appearing to obey directives set out by governing authorities while acting on the knowledge that to actually obey would work against the ultimate goal of recovery through self-actualization, taking matters into his own hands so that he can do what he feels he needs to do in order to quit using crack.

Another participant, Frankie, very clearly shows the connection between performance and responsibilization. Frankie is ‘doing well’ in court by all DTC measures. He participates, is on time, turns up clean screens and supports others in the programme. Frankie is also, unbeknownst to DTC personnel, continuing to use. He explains:
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The drugs aren’t the problem, it’s the chaos around them and the chaos that comes when you’re using all the time and you’re caught in that cycle of fixing, coping, fixing, coping. Now I just use occasionally and I wasn’t, I don’t use meth anymore but I’d still smoke a joint or get wasted one night, I even wouldn’t say no to a taste [of cocaine] every now and then. The difference is that I’ve got it, um, I’m in control of it now. And obviously I am. I’m doing everything I need to do and I’m holding down a job, I’ve got a nice apartment, I don’t get in trouble with the cops—so I’m like, what’s the big deal? What’s the big deal if I still get high form time to time?

Frankie adopts a classic harm reduction strategy of controlled use. He need not quit using completely to regain control of his life, he need only ‘get control’ over his use. Like Tom, Frankie reminds us that there are many ways an individual can live up to the neoliberal ideal subjectivity and that individuals can strive to become responsible subjects while still resisting the prescriptions for self-actualization laid out for them.

Despite Frankie’s apparent self-responsibilization (he is, after all, living a stable and crime free life), were his ongoing substance use to be revealed, he would most certainly be sanctioned by the courts. Frankie, like Tom and John, cobbles together a subjectivity based on performance that is constituted, at least in part, because of or as a response to the governing strategies of the court (Butler, 1997). In this way, Frankie, Tom and John all reveal that responsibilization is a reciprocal process of negotiated self-governance even if those negotiations are not explicitly made with the governing body. Frankie, Tom and John all negotiate their subjectivities within themselves in order to embrace the notion of responsibilization and perform its prescribed practices even as they actually undertake their own iterations of what it means to be responsible and take care of one’s self.

The potential for disciplinary responses to these actions is clear. At the same time, as with the outcasts, it is clear that, even as Tom, Frankie and John could find themselves caught in the regime of micro punishment and reward, the ultimate result of their participation in DTC is neither the traditional disciplinary goal of constituting docile bodies, nor is it the realization of the neoliberal dream of the emancipated soul. Instead, as with their outcast and true believer counterparts, these three performers experience bulimic empowerment and exclusion. They may well be taken into the fray of social norms through their performance of the regime of responsibilization but their practised subversions of these same regimes indicate an outsider status which they choose and which is thrust upon them by virtue of their choice to take initiative in their own lives.

Conclusion: Taking apart the responsible ideal

In paying close attention to the ways in which responsibilized subjects narrate and negotiate their own experiences of responsibilization we arrive at two important insights. First, in our own ability to identify different ‘types’ of people found in the kinds of responsibilization practices we studied, we are able to show that responsibilization, while it might assume a homogenous and singular identity targeted for intervention, in fact produces an array of kinds of responses based on the different kinds of people caught up in
responsibilization schemes. Running counter to prevailing narratives of the responsible subject (Garland, 1996) this illustrates the active nature of those targeted for subjugation and reminds us that subjectivity is not determined solely by the governing power but is instead a negotiation. We want to be careful here though not to land on the overly romanticized conclusion that this means subjects of criminal justice always have the ability to act. On the contrary, in all three cases it is clear that no matter how an individual engages with the system of rule, as Butler (1997) underscores, her subjectivity is inevitably shaped by the existing practices of power. This in turn means that the responsibilized subject, no matter how that responsibilization is iterated, is not a free subject. Instead, the practices of responsibilization we witnessed show us multiple subjectivities which engage differently with power but to the same ends of bulimic empowerment and exclusion.

Despite this apparent ability to act, we also find that, in terms of the actual experiences of those who would be responsibilized, the ideal of the self-actualized subject is more than unattainable: it is also actively discouraged by the very same authorities who advocate for its realization. There is diversity in the experience of exclusion. The door is slammed shut on the outcast, whereas true believers must contend with a raft of insurmountable barriers. Performers, on the other hand, walk a fine line between the two, risking being cast out as they appear to embrace the self-care strategies indicated for true believers. These differences serve as a strong reminder that the experience of responsibilization is far from homogenous. At the same time, there is a common experience whereby one ends up excluded from the promise of the authorized responsibilization whether he or she is really responsible for their recovery or not.

In the DTC, those who embrace the core message of responsibilization, that they must take initiative for themselves, act in their own interest and care for themselves are subject to sanction. Individuals who try to accept responsibility for themselves are punished and ultimately excluded. Responsible subjects, though capable of constructing their own subjectivities, cannot escape the subjugating power of the justice system.

Notes
This article was based on the article previously published in French in Déviance et Société 36(3) 2012. Research for this article was funded through the Social Sciences and Humanities Research Council of Canada.

1. In most cases participants were invited to provide their own pseudonyms. All the participants’ names have been changed.

2. Here Tom is referring to a principle common to all DTCs that people need to be honest with the courts about their drug using and criminal behaviours as well as their encounters with ‘high risk’ situations (like being around people who are using. DTC participants are counselled that they will not be sanctioned for drug use as long as they are truthful about it. In practice, people are sanctioned for use as well as disclosing problematic situations. Tom’s cautiousness is warranted.

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