

Introduction

Culture and Punishment

The summer of 2002 was the summer of the ice-cream war in Greenville. The ice-cream truck jingle, the siren call of summer, incited discussions of quality of life, complaints about noise pollution, and the future of the city. Mr. Icy, a local chain of ice-cream trucks, received four noise violations over a period of two months. One resident videotaped the Mr. Icy trucks as they roamed the neighborhood, sending the videotapes to the police as “proof” that the noise levels were much too high. The fight extended to the local newspaper’s letters to the editor. One resident wrote:

Mister Icy does not have the simple chiming music we fondly remember from Greenville’s earlier days. It’s music that is loud and jarring, often for 30 minutes at a time, as Mr. Icy parks on a neighborhood street. This is a citywide problem.

Other residents tied the noise violations to larger problems in the city. Residents argued that the music “lure[s] children out after 9:00 P.M.,” causing them to violate city curfew laws. Others linked noise violations to the city’s exodus of residents to the suburbs. One resident wrote, “Quality-of-life issues such as persistent, excessive noise directly relate to the city’s ability to attract and retain residents.”

Of course, not everyone agreed that Mr. Icy’s music was cause for concern. Some residents wrote positive letters about city noise. One letter claimed that “it takes all kinds of ears to hear the city.” In addition to the

Mr. Icy truck, residents heard “the sound of basketballs thumping; soccer teams being cheered on; neighbors calling to one another with gardening tips[;] . . . the lilt and patter of many languages and dialects.” A less poetically inclined letter writer told those concerned with Mr. Icy to “Get a life.” Not to be outdone, the Mr. Icy detractors responded:

This kind of noise would not be allowed in the suburb, where the letter-writer, a former Greenville resident, now resides. He didn’t stay in Greenville. That is what happens when quiet residents get a chance: They move . . . to surrounding cities that protect residents. Some may argue, “We’re not talking about drug dealers or prostitutes.” But without taking care of quality-of-life concerns, those are the only people who will stay in Greenville.

The noise complaints landed the owner of the Mr. Icy fleet, Alberto Davis, in Greenville Community Court, which handled the city’s low-level offenses. Judge Balick, the only judge at Greenville Community Court, arranged for Davis to bring one of his trucks to the court parking lot. Davis played the jingle for the audience of residents, media, and court personnel. Residents booed, insisting, “He’s playing it soft for the judge!” The judge found the noise levels to be acceptable. After the show-and-tell, everyone gathered back in the courtroom. The judge ordered Davis to keep the songs at the volume he had heard in the parking lot, to refrain from playing music more than a half an hour after dark, and to move locations or stop the music after repeating the same song six times.

In recent years, American cities have come to view quality-of-life issues as integral to successful communal life. Small-scale incivilities, such as a loud ice-cream truck jingle or someone urinating on a street corner, have come to signal far more serious problems, such as urban fear, community disinvestment, and even homicide. This transformation of how we view low-level urban problems was partially fueled by the popularity of broken windows theory, a theory of crime that argues that small visible signs of disorder will lead to the apocalyptic decline of a neighborhood (Wilson and Kelling 1982). As political forces and new policing strategies focused on cleaning up the streets and enforcing order, quality-of-life issues shifted into criminal justice matters. Litter, loitering, public drunkenness, and vending without a license, once considered simple nuisances, were recategorized as “quality-of-life crimes.” In Greenville, an ice-cream truck’s loud jingle played the beginning bars of the song of urban flight and decay.

In many cities across the United States, the institution that handles

quality-of-life issues is the community court. Community courts, such as the one presided over by Judge Balick, are a relatively new form of justice, specifically designed to handle quality-of-life issues. Community courts maintain that so-called victimless crimes (such as littering, graffiti, and public drunkenness) jeopardize the well-being of residents, businesses, and visitors of an area. Whereas traditional courts might dismiss such cases or administer a small fine, community courts aim to “meaningfully punish” quality-of-life offenders. For example, an offender who vandalized a building may be court-ordered to paint over his graffiti. Someone arrested for public drunkenness may have to attend Alcoholics Anonymous meetings and report back to the court. When an offender meets the court’s requirements, whether through community service, treatment, or other sanctions, the court wipes the case from the offender’s public criminal records.¹ Community courts also involve nonoffenders in the justice process. Some community courts arrange “impact panels,” where offenders, residents, and business owners meet to discuss how quality-of-life crimes negatively affect the neighborhood. Community court representatives engage in strategic neighborhood outreach to inform residents of the court’s practices, to update them on cases, and to ask about their concerns.

If scholars were asked to account for the relationship between the “ice-cream war” and community courts, they would relate them to broader criminal justice trends. Some scholars would describe the judicial resolution of the “ice-cream war” as a rare form of emotive punishment in a justice system primarily characterized by detachment, efficiency, and group management (Feeley and Simon 1992). The scene of a defendant, his accusers, and a judge, all looking to resolve an issue around an ice-cream truck jingle, seems like a quaint throwback to a simpler kind of justice, what Jonathan Simon calls a “willful nostalgia” (1995). In a reaction against a detached and calculated justice system, the United States created new justice forms that allow people to express emotions. The “ice-cream war,” these scholars would argue, is an emotional outlier in a criminal justice system that is otherwise detached, bureaucratic, and wiped of emotion.

Other scholars would argue that the “ice-cream war” and community courts are clear examples of an overzealous criminal justice system in action. These scholars would assert that behaviors previously thought of as simple inconveniences are now subject to regulation by the criminal justice system. The very idea that judges should spend time deciding on the appropriate volume of an ice-cream truck jingle demonstrates the ubiquity of criminal justice control in the United States. This new concern with quality-of-life crimes indicates increasing control over behaviors and ways of being

that were previously viewed as trivial nuisances or symptoms of larger structural problems. The United States has elected to “solve” structural problems, such as homelessness and addiction, through criminalization, using the quality-of-life paradigm as “a punitive approach to . . . urban social problems” (Vitale 2008: 2). The creation and growth of a community court system has only solidified this trend. Community courts formalize the criminal justice regulation of modern urban incivilities and, by doing so, demonstrate how excessive and punitive the United States has become.

Are community courts a reaction against current trends in the U.S. criminal justice system, or are they indicative of these same trends? Both explanations are too simplistic. In my study, the community court is both highly emotional and highly punitive. Community courts straddle the middle ground somewhere between the two explanations. Community courts do aim to make the justice system more emotional and less detached. They involve community members in the process by inviting them to court and by soliciting crime concerns from residents and business owners. I witnessed people who work at the court beam when an offender successfully transformed his or her life and wipe tears from their eyes when an offender made heartfelt pleas for leniency. In other ways, community courts clearly expand courts’ capacity for criminal justice supervision and make the consequences for low-level crimes more demanding and severe. Community courts can and do send people to jail for relatively low-level crimes. They require defendants involved in very minor crimes to commit to lengthy stretches of court supervision. Community courts enact a unique, hybridized form of justice that is both emotional and punitive. Because these community courts are simultaneously punitive and a reaction against punitiveness, they warrant a more nuanced investigation to tell us what exactly they are doing and why they are doing it.

A nuanced investigation of community courts can lead us to a deeper understanding of the current state of the American court system. These trends—an increasingly punitive criminal justice system, the proliferation of community courts, and criminal justice control of quality-of-life crimes—warrant interesting empirical questions. What are the relationships between rehabilitation and punishment? What constitutes the community? What makes criminals, and how do we unmake them?

Goals of the Book

This book is an ethnography of one community court, which sits at the busy intersection of a downtown area of a city in the United States. I call

this court Greenville Community Court, which is a pseudonym, along with the names of court staff, defendants, affiliated organizations, and other individuals who appear in this book—a requirement of the Institutional Review Board (IRB) that approved my research.² By telling the stories of Greenville Community Court, this study accomplishes three basic goals.

First, this book explains how quality-of-life discourses are translated into court practices. Other fantastic scholarship has illuminated our understanding of quality-of-life crimes from various vantage points. We understand how ideas about quality of life are connected to economic, social, and political structures (Chesluk 2007; Vitale 2008). We understand how quality-of-life crimes are managed through police tactics (Katz, Webb, and Schaefer 2001; Golub et al. 2003). We do not, however, account for how courts process quality-of-life crimes, an important gap in scholarship to date. In this book, I show how community courts formed in relation to quality-of-life discourses and how community courts translate those discourses into practice. This work aims to help form a more complete understanding of the processing of quality-of-life offenses and, by doing so, paints a more comprehensive theoretical picture of how quality-of-life crimes are understood, punished, and treated.

Second, this study illustrates the how criminal sanctioning in community courts produces particular identities for the offender and for the organization itself. By looking at how Greenville Community Court processes cases, this ethnography is ideally suited to show how the court creates, enacts, and interprets ideas about crime, culpability, and justice. Community courts' ideas about culpability vary—they do not assume the same level of culpability across similar cases. Clearly, individual circumstances, such as an offender's criminal history and current charges, influence how court actors make decisions about appropriate punishment. However, in community courts, an offender's "presentation of accountability," by which I mean how well a defendant conforms to community courts' legal and extralegal demands, significantly influences sanctioning decisions. Decisions about appropriate sanctions and whether to be strict or whether to afford leniency are based on Greenville Community Court's ideas about a defendant's willingness to conform to court orders rather than about his or her criminal propensity.

Sanctioning decisions for the community court are about producing not only particular kinds of defendants but also a particular kind of organizational identity. This form of case processing, which allows for treatment or leniency when offenders perform accountability and jail time when offenders do not demonstrate accountability, is ultimately useful for

community courts' organizational identity. How community courts justify and practice punishment and their underlying justifications for how and why they punish aim to demonstrate particular qualities of the organization itself. Routine punishment at community courts demonstrates the courts' effectiveness and paints these courts as rational, reasonable, and correct in their orientations.

Third, looking at how community courts operate helps situate them in discussions about punitive versus rehabilitative strategies. The sociology of punishment often views punishment as a pendulum swinging between two opposite positions, retribution and rehabilitation. Retribution, or punitive punishment, aims to make the offender "pay" for his or her crimes through the imposition of negative consequences, such as criminal fines or jail time. Rehabilitative, or therapeutic, punishment aims to change the offender from a criminal into a noncriminal. This punishment may still mete out negative consequences, but the primary goal is to transform the offender's behavior. Viewing punishment as a pendulum that swings between punitive or therapeutic orientations has left scholarship with a bifurcated sense of punishment. This way of thinking imposes a contrived categorization system in which punishment practices must either be punitive or therapeutic. As discussed above, community courts do not fit neatly into this grand narrative; they focus on individualized justice and aim to rehabilitate offenders, yet they also send low-level offenders to jail.

Community courts are better viewed in light of a growing body of scholarship that focuses on the flexible and nuanced features of punishment (Hannah-Moffat 2005; Matthews 2005; O'Malley 1999; Pratt 2000; Robinson 2008; Stuart 2016). This scholarship documents how restorative justice practices, therapeutic jurisprudence, risk/needs assessment, and other popular contemporary practices show that rehabilitation is alive and well in penality. Even tactics that appear inherently punitive may be more flexible and imbued with meaning that suggests rehabilitative overtones. This scholarship foregrounds contradictions within criminal justice goals, values, and practices—contradictions that pose important challenges for the study of the current state of criminal justice. Through this lens, we can understand community courts as unique sites of control, practicing justice in a way that disrupts our understanding of punishment orientations as monolithic, either punitive or rehabilitative.

Community courts provide a useful case to examine existing scholarly debates about punishment and rehabilitation, and this study sheds an important light on the current understanding of the U.S. criminal justice system. The existence and possibilities of community courts within a criminal

justice landscape that is primarily categorized as punitive, rational, and detached challenge certain widely held ideas about where punishment is going, even as these courts attempt to put other ideas into practice. Community courts are, in part, a reaction against overly punitive trends, as they seek to reduce high recidivism rates through rehabilitative and crime-reducing sanctions. They are also complicit in the punitive turn, as they ensnare low-level offenders (whose crimes may have previously gone unpunished) in a rigorous process of court supervision. This case study aims to show that punishment is not monolithic. Considering community courts as both separate from and as part of the punitive turn enables a more comprehensive view of the criminal justice landscape. Focusing on this unique form of justice invites a discussion of criminal justice trends that avoids overaggrandizing the logic of criminal justice tactics.

These three goals are united by an overarching concern with the relationship between culture and punishment. Punishment is an extraordinarily salient location from which to examine how culture “works.” Much like how a small sample of blood provides doctors with an overview of a body’s functions, punishment is an institution that provides social scientists with an extraordinary amount of information about how society structures its ideas. Foundational sociological theorists were concerned with issues of punishment: Émile Durkheim examined the relationship between social cohesion and crime. Karl Marx investigated how crime control was a mechanism of class control. Michel Foucault emphasized how penal institutions shifted alongside changes in power. Salient in these inquiries is the role of culture in defining crime and guiding rationales for dealing with it. Punishment is a site where cultural norms and values are elaborated, enacted, and contested. Punishment, then, is an integral part of sociological inquiry as we strive to understand the social world in general.

A community court provides an excellent venue to showcase how punishment creates meaning for groups of people. Because community courts are relatively new organizations, meanings surrounding their work are still dynamic. As community courts combine punitive and therapeutic logics, they provide a useful case in which to study seemingly opposing criminal justice goals. Since community courts directly involve their communities as punishment resources and benefactors of justice tactics, they provide an interesting case study to show relationships between justice systems and the communities they serve. The Mr. Icy vignette that opens this chapter illustrates how community members contest quality-of-life issues and how these debates about quality-of-life crimes map moral landscapes onto urban communities. Community courts are then a useful place to study existing

scholarly debates around the enactment of punishment, retribution and rehabilitation, and the impact of justice tactics on local communities. These relatively new courts show how justice agencies draw on cultural resources to give meaning to punishment while attempting to create new and distinct penalties for the broader community.

Culture and Punishment

Much of the literature that we have on the role of culture in courtrooms is not well-suited to explaining how punishment organizes meaning in our social world.

One area that conceptualizes the relationship between culture and punishment is that of *legal formalism*. Legal formalism posits that cultural ideas do not and cannot influence punishment. Criminal justice agencies enforce the laws with rationality, objectivity, and fairness. John Roberts's opening statements during his Supreme Court nomination hearings provide an excellent example of legal formalism: he compared the role of a judge to that of an umpire in baseball, pledging, "I will remember that it's my job to call balls and strikes and not to pitch or bat."³ While cultural changes may shape the creation or elimination of laws, the courts, according to legal formalism, serve only to act on the law as written. Courts are rendered a "black box" in which cases enter, are judged according to clear facts and guidelines, and exit with a correct application of the law. This perspective certainly appeals to our understanding that courts should be fair, just, and unbiased. It also protects against judicial activism, maintaining the separation between law making and legal decision making. Legal formalists view culture as an entity that should not and does not factor into courtroom decision making.

The next strand of literature that examines the intersection between culture and criminal justice agencies explores organizational culture. These "court communities" scholars (Eisenstein, Flemming, and Nardulli 1988; Flemming, Nardulli, and Eisenstein 1992; Ulmer 2005; Ulmer and Kramer 1996) argue that the courtroom is like any other workplace: people cooperate to make their work more efficient, to advance their own professional goals and careers, and to resolve conflicts within the group. Court communities are not limited to the courtroom itself; they also involve local political actors, local media, and local public opinions. Court actors handle cases in ways that are efficient, rational, and designed to help them advance their careers, and these considerations affect case processing. The organizational culture of courts can influence criminal charg-

es, plea-bargaining decisions, and even the severity of a sentence. This scholarship helps us reevaluate the somewhat-idealized understanding of courtroom processing and shows how local patterns and cultures can influence case outcomes and trajectories. It also shows how micro- and meso-level phenomena shape and organize case-processing outcomes.

The last group of scholarship on culture and punishment examines how the law expresses culture. Culture is conceptualized as an independent variable that affects the process, forms, content, and distribution of punishment. This body of literature argues that notions about certain crimes, criminals, genders, and racial groups influence enforcement and sentencing practices. For instance, feminist criminologists argue that ideas about girls and women translate into how we think about women who are perpetrators or victims of crimes (Chesney-Lind 1989; Howe 1994). Scholars of race and crime argue that stereotypes about racial minorities (in particular, black men) as aggressive, threatening, and criminal translate into more intensive criminal justice supervision (Collins 2004; Jones-Brown 2007; Russell-Brown 2009).

Aside from investigating how demographic groups are differentially punished, we can also look at how certain crimes and criminals come to be considered more or less dangerous over time, and therefore, more or less needing of punishment. For instance, the criminalization of certain types of drugs has been linked to xenophobia and racism (Musto 1997). This scholarship therefore argues that punishment embodies and reflects cultural meanings that exist in broader society.

All of these bodies of scholarship are useful for highlighting particular processes, goals, functions, and dysfunctions of the criminal justice system. However, these bodies of scholarship have some weaknesses that make each insufficient to examine punishment as productive of culture, necessitating the present study. The legal formalist approach views culture as though it is “turned off” in the criminal justice system. While it is certainly aspirational to say that justice is blind, fair, and uninfluenced by anything but “just the facts,” in practice, that is not the case. People who work in courts vary in their understanding of how to interpret the cases before them, and litigants’ resources (legal, economic, social, and cultural) influence legal goals and outcomes (Galanter 1974; Merry 1990). The court communities’ perspective allows us to think about how meaning is constructed in a workgroup and in relation to other institutions outside the legal system, such as local politics and media. While this framework allows us to draw connections between the criminal justice system and other types of organizations, it does so at the cost of the substantive importance

of the institution of criminal justice. The court communities' perspective is incredibly adept at highlighting differences between courts by interrogating differences in workgroup culture and local politics. However, it is less useful for studying how and why meanings of punishment matter beyond specifically local communities. The court communities' perspective is not equipped to deftly interrogate how local court practices are kinetically engaged with macrolevel cultural understandings of punishment and how those more macrolevel understandings shift and develop over time. The scholarship on how punishment and law embody cultural ideas allows us to connect macrolevel cultural values to microlevel case processing, but it also assumes that cultural ideals are readily adopted by the criminal justice institution. It does not allow us to think about how criminal justice organizations may interpret and, at times, resist preexisting ideas about crime and criminals. This scholarship does not show how the penal system actively creates culture and is not merely a recipient.

A more dynamic approach to the study of culture and punishment is presented by David Garland (1990), who views punishment as an important facet of social organization. He conceptualizes punishment as a "cultural agent," claiming that punishment, and institutions surrounding punishment, help shape broader patterns of meaning in society. Garland helps us see the relationship between culture and punishment as mutually constitutive rather than view culture as "causing" a particular penal outcome. He argues that

punishment and penal institutions help shape the overarching culture and contribute to the generation and regeneration of its terms. . . . Like any major social institution, punishment is shaped by broad cultural patterns which have their own origins elsewhere, but it also generates its own local meanings, values, and sensibilities which contribute—in a small but significant way—to the bricolage of the dominant culture. (1990: 249)

This framework allows for punishment to be conceptualized as an independent variable, which can influence culture. It shows how culture can be created through punishment practices and how meanings surrounding punishment may be generated through penal actions.

Garland's work helps us think about community courts in relationship to and in dialogue with current penological trends. It allows for a discussion of community courts that does not take "the culture of punishment" as monolithic. Community court practices that do not fit into the macro-

level trend of punishment as wholly punitive may still be articulated and explained. Garland's framework permits an examination of dynamism and inconsistencies while still accounting for practices that are neither exactly punitive nor a vestigial form of justice administration that will soon be subsumed by the dominance of punitive policies. Second, this approach allows for an understanding of community courts as agentic institutions that can and do influence larger ideas about crime, justice, criminals, and the community. Finally, it takes the study of punishment as a worthy and unique endeavor rather than make punishment a subgenre of racial, class, and/or gendered inequalities or a particular articulation of state control.

This book focuses on discourses about and practices toward crime and criminals as a way to locate cultural understandings of crime and justice, criminals, and community. I studied one community court, Greenville Community Court. I observed court sessions at Greenville Community Court, attended meetings with court staff and other agencies, and took field notes on how workers, citizens, and the media understood, processed, and discussed community court cases.

Case-processing tactics at Greenville Community Court enact and create cultural meaning. Garland writes that

implicit within every penal relation and every exercise of penal power there is a conception of social authority, of the (criminal) person, and of the nature of the community or social order that the punishment protects and tries to recreate. (1990: 265)

Greenville Community Court operates with an odd combination of meanings. Some offenders are able to be reformed in the eyes of the court. Others deserve punishment in the form of jail time. The court itself is both a cheerleader for offender success and a strict enforcer of proper behavior. The community, the local urban areas that the court serves, also have multiple meanings. The community is a place that encourages criminal activity (for instance, when offenders leave inpatient treatment, they often return to neighborhoods or social networks that promote criminal behavior). The community is also the place that heals criminality in that promoting positive communal ties is thought to be a rehabilitative force in offenders' lives. Finally, the community is something to be protected from crime, a precarious place where quality-of-life crimes are thought to constantly threaten orderliness and perhaps lead to larger crimes. The community gives the court legitimacy and authority but also acts as a strong critic of the court's ideas and practices. The multitude of meanings and the

practices that inform, create, and challenge these meanings are interesting and worthy of investigation because community courts offer a “third space” that disrupts the essentialist, binary divide between punishment and rehabilitation that dominates academic and popular understandings of the U.S. criminal justice system, particularly the courts.

Flexible Times, Flexible Organizations

While this study of community courts contributes to understandings of punishment, it also comments on broader discussions around new organizational forms in contemporary life. Scholars use such terms as “postmodernity,” “late capitalism,” and “liquid modernity” to label the current historical moment. Real changes in the building blocks of society have radically altered how individuals and groups of people understand and organize their lives. Institutional building blocks with clear designs for living “no longer provide a long-term frame” (Sennett 2007: 4). As a result, this period of time is characterized by instability and uncertainty.

This “postmodern turn” coincides with the advent of new kinds of organizational forms.

These “liquid” or flexible organizations (Clegg and Baumeler 2010) curiously market themselves around their instability. They “demonstrat[e] signs of internal change and flexibility” and “reengineer, reinvent themselves continually” (Sennett 2007: 40–41). These organizations attempt to address the traditional institutions’ failure to account for uncertainty by embracing and embodying the dynamic aspects of contemporary life. They do not attempt to replace traditional institutions in total; instead, they cater to specialized, niche areas of social life that were previously under the purview of more macrolevel institutions.

Community courts illustrate the rise of new flexible organizations in the criminal justice system. In the face of a failing criminal justice system, community courts forge a niche market around quality-of-life crimes. Serving a small subgroup of low-level offenders in hyperlocal geographic areas, community courts carve out a specialized space in the criminal justice field and brand themselves as innovative actors poised to solve pressing community-safety issues.

Legitimacy

For community courts to establish themselves as legitimate criminal justice organizations, they must draw from culturally resonant discourses to

explain their existence. Organizational theorists tell us that new organizations must strike a delicate balance between appearing “innovative” while also “recognizable” (Ashforth and Gibbs 1990; Friedland and Alford 1991; Ruef and Scott 1998; Suchman 1995; Suddaby and Greenwood 2005). This book describes how community courts use different discursive tools to present themselves as legitimate, to distinguish themselves from other organizations in the criminal justice system, and to forge and maintain relationships with organizations outside this system.

Community courts are agentic institutions that coalesce seemingly dualistic and competing logics of retribution and rehabilitation. Greenville Community Court is harsh because it punishes low-level crimes more severely than traditional courts. Greenville Community Court is rehabilitative because it punishes low-level offenses with sanctions that aim to rehabilitate the offender, such as substance-abuse treatment or community service. Community courts, then, are simultaneously hard on crime and soft on crime. These competing logics illustrate the strengths of flexible organizations, demonstrating how community courts can market their adaptability and appeal to a wide audience. Heterogeneous, competing, or ambivalent institutional logics, like those of community courts, help institutions adapt to change, appeal to different stakeholders, and ultimately enable institutions to survive, as they are able to act opportunistically and reactively.

Greenville Community Court’s competing logics help it appeal to different audiences, and they also help the court create new understandings of justice, punishment, and the community. This site is important to study because the courts themselves are involved in a project of socializing people into a new way of thinking. Community courts explicitly ask questions that are taken for granted in traditional courts and even in the criminal justice system as a whole: What are the goals of criminal justice? Where does crime come from? How should courts punish offenders? Because community courts actively and openly interrogate the meaning of punishment, their study can help illuminate how culture operates in traditional criminal justice organizations in which meaning making is far more routinized and subsumed under the logics of case processing.

Methods

When I started this project, I was enamored with the idea that businesses funded community courts and that community courts therefore functioned as a mechanism to rid cities of people and activities that hindered

gentrification efforts. However, in the early stages of my fieldwork at Greenville Community Court, I did not see that assumption in practice. Instead, I observed judges, lawyers, and social-service providers working to get defendants into appropriate programs. I listened to frustrated residents express how they felt victimized by loiterers on street corners, litter in vacant lots, and disregard for the neighborhood. I heard social-service providers bemoan how few resources were available to accomplish the goals of their programs. I redirected this project's focus to reflect what I saw actually happening on the ground—choosing to study how the court interacted with and treated defendants and the community it aimed to serve. I briefly describe the strengths of my ethnographic approach, and I refer readers who desire a more detailed description to the Methodological Appendix at the end of the book.

Since I focus on discourses surrounding crime, justice, criminals, and the community in a problem-solving court, I adopted an ethnographic approach. This choice follows in a tradition of courtroom ethnographies that describe the relationship between larger cultural meanings and local practices of law (Barrett 2012; Emerson 1969; Feeley 1992; Kupchik 2006; Merry 1990). Through ethnographic observation, I trace how court actors' ideas about offenders develop and change over time and how those ideas are translated into action. For instance, I could trace how Greenville Community Court's ideas about a defendant change over time; cases that were initially seen through a "treatment lens" could shift over time to a punitive lens, depending on the number of times that a defendant had been to court, how that defendant behaved in court, and reports from sponsoring agencies about the defendant's conduct while under supervised treatment. Ethnographic research is uniquely capable of revealing how categories for understanding criminals are (1) mutable over time, (2) formed through interaction, and (3) not a priori. This final insight is particularly useful, given the macrolevel focus of the sociology of punishment.

The court itself has different audiences even outside the court: the residents concerned with quality-of-life crimes, law-enforcement agencies whose tactics can complement or undermine the organizational goals of the court, and other criminal justice agencies and social-service agencies that can aid or refuse the requests of the court. Ethnography illustrates organizational concerns for legitimacy by showing how court actors attempt to convert other people and organizations into their distinctive discursive framework. Ethnographic research highlights the communicative process to show how certain discursive tactics are successful or unsuccessful, given organizational goals. Ethnographic research was also incredibly

useful for understanding how Greenville Community Court interacted with other agencies. It revealed how Greenville Community Court translated its flexible punishment logics to a variety of stakeholders. I witnessed how court officials highlighted or downplayed particular features of community courts to forge positive and beneficial relationships with residents' organizations, local homeless shelters, and social-service providers. These meetings revealed how community courts discursively deploy different aspects of their identities, depending on the audience at hand.

Overview

Chapter 1 provides an overview of community courts, detailing their philosophies and practices. Community courts draw specifically from legal and criminological theories and actively work to adopt those theories in their daily practices.

Chapter 2 situates community courts within historical criminal justice trends. Internal and external problems of the legitimacy of criminal justice institutions, the administrative and political appeal of community courts, and the problems associated with urban life contributed to the creation and popularity of community courts in the period when they emerged. The origin of community courts is not just a narrative of innovative people looking for solutions but part of the ongoing story of criminal justice's vacillation between rehabilitative and punitive extremes.

Chapters 3–5 focus on how Greenville Community Court creates meaning through routine case processing. Introducing the case-processing system at Greenville Community Court, Chapter 3 demonstrates how the court enacts criminological and philosophical principles on the ground. Chapter 4 describes how Greenville Community Court interacts with “good defendants,” those people who arrive on time, attend all court dates, and act respectfully. Greenville Community Court structures its case processing to ensure that most defendants who enter the court will be good defendants, not only because doing so makes court actors' daily work easier but also because it reaffirms community courts' identity as benevolent, efficient, and effective. Greenville Community Court is often lenient with defendants, hoping that these defendants will ultimately prove themselves to be “good.” Chapter 5 explains how Greenville Community Court decides which defendants deserve to go to jail. Retributive punishment has more to do with a defendant's failure to display appropriate accountability and deference than it does with actual criminal acts. I use the term “ambivalent justice” to describe the process by which the court sorts defendants into

moral categories by virtue of how they respond to Greenville Community Court's orders. The court uses objective measures, such as failure to comply with court orders, and subjective measures, such as how a defendant communicates responsibility, to determine whether the defendant deserves jail time. The objective and subjective measures are problematic, in part because they assume that each defendant has an equal opportunity to comply with court orders and display accountability.

Chapter 6 takes readers outside the courtroom and into the world of people who interact with the court in other capacities. Greenville Community Court engages with resident groups, police officers, the media, and social-service providers. The community court's flexible mission, which allows it to be both therapeutic and punitive, serves the court well in its interactions with stakeholders. These competing goals are integrated in community courts in a complementary yet flexible way that enables them to draw on multiple sources of legitimacy to mobilize support and resources from distinct groups that make up "the community."

The Conclusion examines the lessons that community courts teach us about legitimacy of criminal justice organizations and contemporary social control. While community courts' impact on traditional criminal justice outcomes is inconclusive, it is clear that community courts excel at cultivating their own legitimacy as a criminal justice organization. Community courts' organizational legitimacy is best understood within a larger discussion of flexible organizations in the contemporary United States—namely, that specialized and flexible organizations have co-opted services and needs once filled by traditional institutions. I reflect on community courts' position in contemporary criminal justice in the United States, exploring the implications of filtering community efficacy, access to social services, and quality of life into criminal justice agencies.

Ultimately, I question the promise that community courts present a potential method to prevent crime.