

Department of Justice, Law and Society  
School of Public Affairs  
The American University

Summer 2005

**ILS-303-H01 Drugs, Alcohol and Society**

Mondays and Wednesdays, 5:30 P.M. to 8:40 P.M.  
WARD 202

Faculty: Dr. Jeffrey A. Schaler

[jeffschaler@attglobal.net](mailto:jeffschaler@attglobal.net)

<http://www.schaler.net>

Office: #257, Dept. of Justice, Law, and Society,

Ward Building, 2nd floor

Telephone: 202.885.3667

Office hours: (by appointment)

**Course Description**

Most people believe alcohol, tobacco, and illegal drugs cause "addiction." Addiction is said to be characterized, in part, by involuntary behavior and "loss of control" over drug consumption. Addicted persons allegedly lose their ability to refuse addictive drugs and/or to moderate their consumption of those substances. History shows us this kind of thinking likely emerged from the anti-alcohol rhetoric of temperance-era leaders, the anti-alcohol attitudes instrumental in establishing alcohol prohibition, and the beliefs about alcohol advanced by members of Alcoholics Anonymous following repeal.

Contemporary public health, clinical, and legal perspectives on legal and illegal drugs such as tobacco, alcohol, heroin, cocaine, and marijuana, etc., also tend to be based, in part, in the same temperance-era thinking, i.e., those drugs are universally-addicting substances and people develop "loss of control" when they inevitably become addicted to them. The implications of these perspectives for personal and criminal responsibility for the consequences of legal- and illegal-drug use are significant and often contradictory. For example, attempts to regulate tobacco by the federal Food and Drug Administration (FDA) were based in the ideas that nicotine is an addictive drug and that cigarettes are "nicotine-delivery systems." Thus, tobacco is now considered a "dangerous" drug. This is contemporary anti-smoking and anti-tobacco crusade rhetoric, despite the fact that most people quit smoking after many years or moderate their smoking for many years. Moreover, the widespread attempts by state attorneys general to

hold tobacco companies liable for the health consequences of smoking are clearly based in the idea consumers were "tricked" into being addicted by the tobacco industry. Yet, many smokers say they choose to smoke despite the risks.

In this course we examine the validity of those ideas about addiction and their implications for public, clinical, and legal policy. In addition to learning about diverse explanations for addiction, we will examine in detail conflicting types of treatment for addiction, the efficacy of addiction treatment in general, First Amendment issues and court-ordered addiction treatment, addiction and criminal responsibility, Alcoholics Anonymous and religious-conversion experience, the use of mind-altering drugs as religious activities, and the ethics of general attempts to protect people from themselves advanced by today's public health movement. Lecture and discussion format.

### Course Objectives

1. To improve the student's legal and policy-oriented thinking about the meaning of addiction and the foundation of behavior labeled as "addictive."
2. To evaluate the evidence supporting and contesting the idea that addiction exists, that it is characterized by involuntariness, and that it is treatable.
3. To understand what happens in voluntary and involuntary treatment for drug addiction.
4. To understand public policy, legal, philosophical and psychological perspectives on why people choose to use mind-altering drugs.
5. To evaluate the efficacy and constitutionality of diverse perspectives on, and policies for, alcohol, drug and tobacco use in contemporary society.
6. To examine the structure and function of the contemporary "public health movement."
7. To develop intellectual skill in debating these and related controversial issues in legal and public policy settings.

### Required Texts

- Fingarette, H. (1988). *Heavy drinking: The myth of alcoholism as a disease*. Berkeley, Ca: University of California Press.
- Schaler, J.A. and Schaler, M.E. (eds). (1998). *Smoking: Who has the right?* Amherst, N.Y: Prometheus Books.
- Schaler, J.A. (ed.) (1998). *DRUGS: Should we legalize, decriminalize, or deregulate?* Amherst, N.Y.: Prometheus Books.
- Szasz, T.S. (1992). *Our right to drugs: The case for a free market*. New York: Praeger Publishers.
- Trebach, A.S. (1987). *The great drug war: And radical proposals that could make America safe again*. New York: Macmillan Publishing. New Second Edition is now available: Trebach, A.S. (2005). *The great drug war: And rational proposals to turn the tide*. Bloomington, Indiana:

Unlimited Publishing. Available at  
<http://www.unlimitedpublishing.com/authors/1588321185.htm>  
Note: Either edition is fine for use with this course.

### **Recommended Text**

Schaler, J.A. (2000). *Addiction is a choice*. Chicago: Open Court. This book is not required, but it will help you understand the material in this course, including lectures.

### **Course Requirements and Grades**

Paper	15%
Mid-term examination	35%
Final examination	45%
Class participation	5%
Total =	100%

### **Description of course requirements**

**Paper:** Write a five-page paper reviewing and critiquing Trebach's book, *The Great Drug War*. Either edition is fine. What I want to see in particular is your criticism of his views regarding proposals for reform: medicalization, decriminalization, legalization, etc. Compare and contrast these views with what you've learned in class and through your readings in class. You may think prohibition is the correct way to go. You may think that Trebach's views are fine. You may think that he does not go far enough. It doesn't matter what your position is. What I want you to do is to express your opinion well in light or context of Trebach's position. In order to do this, you will have to state Trebach's position(s) clearly and succinctly. After you do that, you write where and why you agree with him or where and why you do not agree with him. This is a formal paper. No colloquialisms. No informal language. Make sure you have a clear introduction, discussion, and conclusion. If you want to use other sources to support your position, you may do that. If you believe your argument stands well without the use of other sources, you may do that. You may use materials that we have used in class to support your arguments. Here are some things you must keep in mind:

- Your paragraphs must neither be too short nor too long. Each paragraph should be able to stand alone.
- Make sure you have a smooth and logical transition from sentence to sentence and from paragraph to paragraph.

- Make sure you keep people, possession, and time parallel. For example, if you begin a sentence speaking in the plural and present tense, don't follow up in the same sentence using the singular and past tense.
- Make sure each sentence is a complete sentence.
- Make sure you differentiate between some factual material and your opinion. Your opinion is fine, however, do not express your opinion as if it is fact.
- If you cite a source within the text, make sure you use APA format. If you don't know what APA format is, go to the library or purchase the APA Manual of Style. In-text citation is like this (Smith, 1969), and only like that. Not, (Smith, p. 46). It's always author's last name, year of publication, and if necessary, the page numbers, like this (Smith, 1969: pp. 12-15).
- Do not use footnotes.
- Do not cite material in the reference section that you did not cite in-text. Do not cite material in-text that you do not cite in the reference section. The reference section is on its own page.
- Make sure your name is on the first page. Give your paper a short and descriptive title. Make sure each page is numbered, centered, at the bottom of each page.
- Do not quote more than two lines of material. Paraphrase material in your own words, then reference it from the source it came from.

**Mid-term examination:** The mid-term examination will consist of multiple choice and/or essay questions focused on all readings, lectures and discussion in class.

**Final examination:** The final examination will consist of multiple choice and/or essay questions focused on all of the material covered in this course. You will be given the opportunity to express your own point of view on the many controversial issues we addressed.

Readings and notices regarding class will be sent to you by the professor via email. Please make sure you are receiving the emails and reading them.

You will be randomly assigned to groups with other students occasionally to

present summaries of readings. This will contribute to your grade for participation.

--> Clear and accurate writing will be taken into account in assigning grades, as well as participation in class discussions. Material discussed in class, or in films, and not in any of the readings, may form the basis for questions on the examinations. **One grade reduction for over three class absences.** Students are responsible for anything covered in class during their absence. Readings must be completed by the session to which they are assigned. Additional readings may be assigned during the course. Students are encouraged to form study groups on their own. The examinations must be taken on the dates assigned. Grades: A-=90, B+=89, B-=80, C+=79, C-=70, etc. If you're having trouble with this course please make an appointment to talk with me about it. Email me at [jeffschaler@attglobal.net](mailto:jeffschaler@attglobal.net) to set up an appointment. Everyone is encouraged to come in and meet with me at least once during this course.

### CLASS SCHEDULE

Date	Topic	Reading
June 27	Introduction, The Drug <i>Policy</i> Problem Evolution of beliefs and about drugs And addiction; Conventional wisdom; Current controversies: Policy analysis	Lecture Read DRUGS: Parts I
June 29	The argument for Prohibition; The argument for viewing addiction as a disease; Addiction as a form of mental illness	DRUGS: II, III, IV
July 4	<b>No class, Independence Day holiday</b>	Finish DRUGS; Read all of
July 6	First Amendment Issues involved in Court Ordered Treatment; The Perils of Powell; Traynor v. Turnage; Self-efficacy and Clinical Policy; Review for Mid-term	Fingarette
July 11	<b>Mid-term examination</b>	
July 13	Smoking; Policy issues; Arguments for Prohibition & Regulation; Scapegoating; Social construction	SMOKING; Intro
July 18	A sociological view; Anti-tobacco campaign	Berger;

July 20	Of the Nazis; Dealing with the devil Tyranny of experts; social symbolism	Proctor; Chafetz; Gusfield
July 25	Right to drugs as property	Szasz 1
July 27	The American Ambivalence	Szasz 2
	The fear we favor	Szasz 3
	Drug Education; The debate on drugs	Szasz 4, 5
<b>August 1</b>	<b>Papers due</b> ; Blacks & drugs; doctors & Drugs; Between dread & desire; the Legalization & medicalization; review	Finish Szasz
<b>August 3</b>	<b>Final examination</b>	

### **Academic Integrity Code**

"Standards of academic conduct are set forth in the University's Academic Integrity Code. It is expected that all examinations, tests, written papers, and other assignments will be completed according to the standards set forth in this code. By registering, you have acknowledged your awareness of the Academic Integrity Code, and you are obliged to become familiar with your rights and responsibilities as defined by the Code. Violations of the Academic Integrity Code will not be treated lightly, and disciplinary action will be taken should such violations occur. Please see me if you have any questions about the academic violations described in the Code in general or as they relate to particular requirements for this course."