

Department of Justice, Law and Society
School of Public Affairs
The American University
Fall 2007
JLS-309.002 - JUSTICE AND PUBLIC POLICY
Monday 5:30 PM to 8:00 PM
Ward 304
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Course Description

[From the catalog: “Examines current basic national, state, and local policy issues that affect the definition of crime and shape public agency responses toward crime. The objective of the course is to sharpen and improve the student’s policy-oriented thinking about crime in a constitutional democracy and to develop a method to evaluate policy related to crime. Usually offered every term.”]

How do we decide when people are responsible for their behaviors? What are the social, moral, and psychiatric factors now considered relevant to contemporary definitions of criminal behavior and justice? Are public policies enhancing or undermining personal responsibility in society today? How can scientific understandings of behavior be used to absolve criminals of responsibility for their actions and deny innocent persons of their freedom and liberty? What is the difference between formal and informal social control? Why are some behaviors controlled by institutions and others by informal relations? Can there be such a thing as a “victimless crime?” How do we decide whether criminal behavior is voluntary or not? How is policy created? Can we predict who is likely to commit a crime and who is not with an accuracy beyond that expected by chance? Why is this important? What should the relationship between individuals and the state be? What is the relationship between rule of law and our contemporary rules regarding justice and public policy?

These are the kinds of questions we seek to answer in this course—and more. In this course students are challenged and prepared to address issues regarding behavioral accountability and its relationship to social conceptions of justice. In particular, we will examine the differences between formal and informal social control, and how more and more behaviors are being moved from relational and self control arenas to institutional control. Students will learn about the motivation and investments people have in classifying behaviors one way versus another (for example, as sin, crime, and illness), and what the various consequences are when the state steps in and tries to protect people from themselves. Students will learn how to deconstruct various

policies and evaluate the soundness of principles, both scientific and moral/ethical, on which they rest.

One way the state justifies its claim of social control and paternalism is by medicalizing deviant behaviors. In the course we will examine the history of this trend and the current manifestations of the therapeutic state, a state in which medicine and state are united in ways that church and state once were (and still are in different parts of the world). Controversial issues such as the insanity defense and addiction and criminal responsibility are examined in depth, as well as the right to suicide versus “physician-assisted suicide”; the medicalization of drugs versus repeal of drug prohibition; views on homosexuality; the invention of attention deficit hyperactive disorder; and the various biological explanations offered to explain criminal behavior. Contemporary trends in biological/genetic explanations for abnormal behavior and mental illness are discussed and evaluated in terms of their impact on public policy. We will examine the claims that people who commit crimes are mentally ill and whether these claims are empirically and logically sound. Court cases and methods of philosophical inquiry are used to understand the role of personal responsibility for justice and public policy decisions. During the second half of the course we examine, in depth, the moral basis of law and how the rule of law and rule of man relate to socialism and free market capitalism. Implications for public and social policy are discussed at length. The second half of the course will likely have more to do with philosophical points of view, critical and analytic thinking, and political perspectives, than the first half of the semester. Lecture and discussion format throughout much of the course.

Course Objectives

1. To improve the student's policy-oriented thinking about justice in a constitutional democracy.
2. To provide students with a method by which to evaluate policy related to justice and liberty.
3. To define moral components integral to contemporary conceptions of justice and liberty and their relation to public policy.
4. To learn to evaluate public policy interpretations of psychiatrically-based explanations for abnormal behavior and their relation to issues concerning criminal justice.
5. To understand the moral basis of law and its social construction as an expression of societal values.
6. To understand various conceptualizations of freedom and their relation to personal responsibility, the therapeutic state, policy formulation and implementation.
7. To learn how to think about opposing ideas concerning these and related matters, and to argue and debate these issues in clear ways.
8. To understand and apply the difference between synthetic and analytic truth.

Required Texts and Readings

- Conrad, P. and Schneider, J.W. (1992). *Deviance and medicalization: From badness to sickness*. Philadelphia: Temple University Press.
- Fuller, L.L. (1969). *The morality of law. Revised edition*. New Haven, CT: Yale University Press. ISBN: 0-300-01070
- Hayek, F.A. (1972). *The road to serfdom*. Chicago: University of Chicago Press. ISBN: 0-226-32061-8

Szasz, T. (1988). *Psychiatric justice*. Syracuse, NY: Syracuse University Press.
ISBN:0-8156-0231-6

Course Requirements and Grades

Mid-term examination	30%
Debate (oral)	10%
Debate (written)	10%
Final examination	40%
Class participation	10%
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Total = 100%	

Class participation: You will be asked to bring in a news item that is related to topics in the class discussion and readings. When called upon by the professor, you will summarize the news item and then give your opinion. Be ready to be called upon at any class period. The news item could be a study that comes out, anything to do with policy, be it formal or informal social control, public policy, social policy, the basis on which the policy is proposed, advanced, or removed, etcetera. The main thing is that you will need to scan the news each week and be ready with something to report on in class should the professor call on you. You may be called on more than once. Class participation also counts in terms of summarizing a point in the readings, both in terms of describing the points raised by the authors and in terms of your opinion of the reading.

Debate: Two debates will take place during the course. The debates will be closely related to the readings in the second half of the course (mid-term to final). Everyone will participate in one debate. You will be randomly assigned to one of four teams to defend or oppose a resolution related to the material we are studying in the course. There are two parts to the debate assignment: The oral part has to do with the actual debate, where you and your team argue for or against the resolution. The written part has to do with a comprehensive statement of your position. You will turn in a typed, three-page, double-spaced statement for which you will be graded (No more than five pages). You will not read from this statement during your debate. What you turn in is your complete argument for the position you were assigned to debate. You will refer to points in it during the verbal debate, but what you say during the debate is much shorter from what you turn in. More about this during class.

* 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.

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."

Class Schedule

(Readings to be completed by the dates assigned)

Date	Topic	Reading
August 27	Introduction	
September 3	Labor Day, no class	
September 10	Chapters 1 through 5	Conrad and Schneider
September 17	Chapters 6 through end	Conrad and Schneider
September 24	Part I	Szasz
October 1	Part II	Szasz
October 8	Part III	Szasz
October 15	Mid-term Examination	
October 22	Parts I and II	Fuller
October 29	Parts III and IV	Fuller
November 5	Chapters 1 through 3	Hayek
November 12	Chapters 4 through 6	Hayek
November 19	Chapters 7 through 9	Hayek
November 26	Chapters 10 through 13	Hayek
	Debate I – turn in your statement	
December 3	Chapters 14 and 15	Hayek
	Debate II – turn in your statement	
December 10	Final Exam: 5:30PM to 8:00 PM	

(All grades are assigned on a numerical basis: 100 = A+, 99-91 = A, 90 = A-, 89 = B+, 88-81 = B, 80 = B-, 79 = C+, 78-71 = C, 70 = C-, etc. A grade of "F" ranges from 59 to 0. Debate grades are 95, 85, 75, 65 only. "No show" or no participation in the debate equals a grade of F, or zero.)