Department of Justice, Law and Society
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Course Description

Mental illness. The words suggest that the mind can be diseased just as the brain can be diseased. Psychiatrists, psychologists, family members of the "mentally ill," lawyers, jurists, policymakers, public health experts, scholars and others frequently assert that mental illness is as real as the world is round. Denying, even questioning, the existence of mental illness is tantamount to denying the existence of God among the most devout theists. This reaction to criticism and skepticism of psychiatric theory and practice is unusual when it comes to normal scientific endeavors. Scientific medicine rests on the ability to falsify and disprove hypotheses, premises and conclusions—not on a search for evidence to support one's theory. Much of what passes as psychiatric science is based on invention, not discovery. The difference is significant. For example, contrary to popular belief, Sigmund Freud did not discover the "unconscious" mind. He invented it as a theory to explain why people could allegedly not remember events in the past considered traumatic.

In this course we differentiate between scientific and clinical medicine. Most people accept as fact not only that psychiatry is scientific medicine, but that it is also properly within the domain of clinical medicine. Most people believe that mental illness not only exists, but that it is treatable.

Undergraduate and graduate students are frequently taught that mental illness is caused by a “chemical imbalance in the brain,” specific genes or their mutations, and that mental illness is characterized by abnormal brain structure and function, detectable through CT and PET scans and other tests. Those scholars—often scholars of law—who recognize that there are no **signs** of mental illness, only **symptoms**, assert that mental illness is best understood as irrational thinking, incoherent speech, false claims, and abnormal behavior. One thing is certain among those who believe that mental illness is real: They often regard those who disagree with them—that is, those who say that mental illness is a myth, a metaphor, a behavior strategy, an invention—as ignorant, wrong, unscientific, evil, dangerous, bad, and lacking in compassion. The stakes are high when it comes to believing in and questioning the existence of mental illness and its treatment.

None of this is meant to suggest or imply that the behaviors called “mental illness” don’t exist—quite to the contrary. The issues we are concerned with here are the relationships between liberty and responsibility, and medicine and the state. Moreover, when it comes to mental illness, is this something that should be studied by doctors, lawyers, neuroscientists, psychologists, rhetoricians, criminologists, theologians, ethicists, philosophers—all of the above or none of the above? The answer is this: It depends. It depends on who considers what “a problem.” Some people, most of those whose ideas we will be studying in this course, regard many of the legal, clinical, social and public policy solutions used to help the mentally ill as problems themselves, and serious ones at that.

These are serious matters, especially within the academe, where critical and independent thinking is valued and encouraged. Few students have ever been introduced to the kind of thinking you will be encouraged to cultivate in this course. The fact that mental illness and its diverse offspring are ***not*** listed in standard textbooks on pathology should arouse more than a little curiosity among students of law, medicine, and science. As far as pathologists are concerned, mental illness does not meet the nosological criteria for disease classification. Most students, once they are about halfway through a course such this, say the same thing: How come we were never taught this before? By the end of the course, most if not all students can answer that question themselves.

This is an advanced course. Students who have been introduced to the controversies concerning mental illness and its treatment

will have an opportunity to further and fine-tune their comprehension of issues related to the idea of mental illness and its consequences, regardless of which side of the debates and controversies surrounding mental illness and psychiatry they are on.

We will examine through reading and discussion the basis on which scholars argue that mental illness is a metaphorical disease, not a literal disease—and we will examine, in detail, the diverse consequences for legal, clinical, social and public policy based on diverse explanations for mental illness—explanations that are theological, biological, psychological, and sociocultural in nature. Topics include empirical and analytic reasoning; the relationship between description and explanation for mental illness, and the relationship between explanation and policy; determinations of competency to stand trial; the insanity defense; involuntary commitment and due process of law; institutional versus consensual/contractual psychiatry; ethics in psychotherapy; the right to suicide, suicide prevention, and physician-assisted suicide; deinstitutionalization; the history and consequences of various labels for abnormal behavior; Popper's "falsification" of scientific theory; the effect of pharmacological agents, electro-convulsive therapy, and "psychosurgery" – and more.

You will learn ***how*** to think about these and related ideas, and their implications for law, liberty, and justice—not ***what*** to think.

Course Objectives

- To comprehend diverse descriptions, definitions, and meanings of "mental illness"
- To deconstruct terms such as mental illness, abnormal behavior, schizophrenia, bi-polar disorder, depression, personality disorder, and anxiety-based disorders
- To know the major explanations offered for why abnormal behavior and mental illness exists—or what is meant by mental illness—including theological, biological, psychological, and sociocultural explanations
- To know the relationship between various explanations for mental illness (and mental health) and legal, clinical, social and public policy
- To recognize the relationship between involuntary commitment to mental hospitals and the insanity defense; and due process of law

- To be able to explain why a theory must be falsifiable in order to be scientific
- To comprehend the relationship between medicine and the state, the therapeutic state, its structure and function, and how it has come to replace the theocratic state
- To evaluate the criticism of those who question the existence of mental illness and the treatment of those labeled “mentally ill”
- To understand philosophical perspectives on the relationship between mind and brain
- To understand the difference between scientific and clinical medicine and their relation to law
- To understand existential perspectives on what is called mental illness
- To understand the relationship between liberty and responsibility

The course follows “Schaler’s Three-Step Model of Policy Analysis.”
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The **phenomenon of interest** is “**mental illness**.”

Step One: Definition and description of mental illness. This includes the four main categories of mental illness or mental disorder as defined by the American Psychiatric Association: Anxiety-based Disorders, Mood or Affective Disorders, Personality Disorders, and Schizophrenia/Delusional Disorders. The focus here is on definition and description. Relevant terms will be defined here, including “insanity,” “involuntary commitment,” behavior, disease, signs, symptoms, etcetera.

Step Two: Explanations for mental illness. This includes four explanatory paradigms: Theological, biological, psychological, and sociocultural explanations for mental illness. It is important not to confuse explanation with description. We use Kant’s synthetic and analytic truth. Synthetic truth equals empirical reasoning and truth. Analytic truth equals logical, critical thinking, etc. “The meaning of these terms may be summarized as follows. The truth of an analytic proposition is due to the meanings of the words involved. We know that bachelors are unmarried without having to investigate their marital status. In contrast, the truth of a synthetic proposition depends on its relation to facts in the world. We

know that the capital of New York State is Albany only by reference to appropriate records.

To restate: In an analytic proposition, the predicate is contained in the subject; in a synthetic proposition, the predicate cannot be arrived at by an analysis of the terms employed. Analytic truths are 'truths of reason': they result from reasoning and the precise use of language. Synthetic truths are 'truths of fact': they result from experience of the world. We need rationalist methods to verify analytic statements, empirical methods to verify synthetic statements." (Thomas Szasz, In J.A. Schaler (Ed.), *Szasz Under Fire: The Psychiatric Abolitionist Faces His Critics*. Open Court, Chicago. 2004, p.p.376-377).

Step Three: Policy with regards to mental illness. This includes four domains: Legal, clinical, public policy, and social policy. Policy one should be based on the most accurate explanation for the phenomenon of interest.

We will return to this three-step model throughout the course. Use it as a compass. We must be clear about what we mean by "mental illness." We must examine the most accurate explanations for mental illness, or what is meant by mental illness. We must differentiate between description and explanation. We must understand the relationship between various policies and the explanations they rest on.

Required Texts

Note: Click on the links embedded in the titles below to go directly to Amazon. Save money, buy the books used if you can.

- Edwards, R.B. (Ed.). (1997). *Ethics of psychiatry: Insanity, rational autonomy, and mental health care.* Amherst, NY: Prometheus Books. ISBN: 1573921130
  NOTE: YOU MUST USE THE SECOND EDITION OF THIS BOOK, NOT THE FIRST EDITION. WHILE THE FIRST EDITION HAS SOME OF THE ARTICLES WE USE, IT DOES NOT CONTAIN THE MAJORITY OF ARTICLES YOU NEED TO READ FOR THIS COURSE.
- Szasz, T.S. (1998). *Cruel compassion: Psychiatric control of society's unwanted*. Syracuse, NY: Syracuse University Press. ISBN: 0815605102 Reprint edition. (Buy this together with *Insanity* below at Amazon for a better price.)
- Szasz, T.S. (1997) *Insanity: The idea and its consequences*. Syracuse, N.Y.: Syracuse University Press.

Reprint edition. (Buy this together with *Cruel Compassion* above at Amazon for a better price.) ISBN: 0815604602

- Szasz, T.S. (1989). *Law, liberty, and psychiatry: An inquiry into the social uses of mental health practices*. Syracuse University Press; Reprint edition (October 1, 1989) ISBN: 0815602421 Reprint edition.
- Plus, articles, chapters, and other readings linked via this syllabus or sent posted on Blackboard

List of articles you will need. You should be able to access each and any of these articles directly from the library by clicking on the article below. Until the links are embedded (should be soon), try to find them on the web. More will be added soon.

Rosen, J. (2007). The brain on the stand. *New York Times Magazine*, pp. 48-83.
Interview with journalist Jeffrey Rosen by Terry Gross on "Fresh Air," WHYY, March 13, 2007, on how new forms of brain scans are being used as evidence in criminal trials
Andreasen, N.C. (2007. DSM and the death of phenomenology in America: An example of unintended consequences. *Schizophrenia Bulletin*, 33 (1), 108-112

Websites that may be helpful. More will be added.

- www.schaler.net
- www.szasz.com
- www.nami.org National Alliance on Mental Illness
- http://www.ahrp.org/cms/content/view/18/87/ Alliance for Human Research Protection

Course Requirements and Grades

Class participation	20 %	A major project unique to this course. See description.
Mid-term exam	20 %	Consists of vocabulary, terms, and concepts: short answer
Final exam	20 %	Short essay questions measuring concept comprehension
Paper	40 %	A major project for this course, measures writing skill and application of ideas within a contemporary context
Total =	100%	

Class participation (CP): This is an important, three-part weekly assignment, different than that required in F2F (Face-to-Face) courses. You must go to the "Discussion Board" for each week on BlackBoard (BB) and **complete a minimum of three tasks each week**. Please read the following instructions carefully.

CP post #1. Each week the professor poses a question or statement, aphorism, ethical dilemma, moral issue, critical thinking problem, whatever, that you must post at least one reply to, using the format listed below. After you post one reply, that part of the weekly assignment is complete. You have two more to go. Work on them throughout the week.

FORMAT FOR THE FIRST PART OF THE CP ASSIGNMENT: Title your reply to this part of the three-part assignment the following way:

#1 Reply by [insert your first and last name]. Note, please do not use your email name or login name here. I need your full name as you are registered for the course in order to give you the credit you deserve. Here you give your opinion, based on our readings and discussions, on the professor's first post for the week. Your reply/response can be short or long, it doesn't matter. Please do not post long quoted material. If you include material quoted from elsewhere, please limit it to two or three lines, max.

What matters here is that you express your opinion well, using clear thinking and good reasoning. Think of it like you would when writing a letter-to-the-editor of a newspaper or journal. Keep it short, succinct, to the point. Avoid repetition. Differentiate between fact and your opinion, fact and theory. Others in the class may reply to your statement, and discussion will likely ensure. The main thing is that you need to first respond to the professor's post.

CP post #2. The second part of the weekly assignment is to post a link (url) to one current news item that is related to something we're discussing, reading, or addressing in class. In addition to posting the link, you must give the link a title (the title of the news item is fine) and you must describe what the news item is about. Note: Do not quote the news item as a way of describing it. You must paraphrase in your own words what the news item is about. You are welcome to quote parts of the news item you think are particularly interesting, but you still must give your own summary (without your opinion) here.

Then, as part of this same post, you give your opinion of the material in the news item. Here, your opinion is most welcome.

FORMAT FOR THE SECOND PART OF THE CP ASSIGNMENT: Title (in the subject heading for the post) your reply to this part of the three-part assignment the following way: **#2 NEWS ITEM [then insert the title of the news article, that's the title of the article as it appears in print, or a shortened version of the actual title].** Format the body of your post this way:

- Title of article or news item as it appears in print.
- URL of the article.
- Your summary of the article or news item. Minimum quoting, unless something is particularly worthy of quoting. Paraphrase in your own words the essence of the article, perhaps a short paragraph in length. No opinion welcome here.
- Your opinion of the article, news item, issue, how it's presented, etcetera.
- Then, put your registered name at the bottom of your post, again so that you can receive the credit you deserve.

This constitutes the second third of your grade for class participation each week. One more assignment and then you're done for the week, as far as required class participation goes.

CP post #3. The third part of your assignment is your reply to anything that anyone else wrote that week. Here, you present your opinion, again, well reasoned.

FORMAT FOR THE THIRD PART OF THE CP ASSIGNMENT: Let the subject heading of your post be "reply to" the post by another student. Just open up his or her post and hit "reply to." Your post should be titled that way automatically.

Format the body of your reply/post this way:

#3. REPLY BY [and insert your name as registered for the course]. Starting on the next line, write your opinion of what someone else wrote. Note: "I agree" and/or "I disagree" or variations are unacceptable. Explain why and how you agree or disagree.

This constitutes the last third of your grade for class participation each week. You do this each week, in the part of

BB where it says “Week One, “ “Week Two,” etc. You must access the discussion board that way.

Basic rules for posting:

- Always include your name as registered for the course somewhere in the body of your post, preferably at the bottom, like an email signature. This has to be your first and last name as registered for the course in order to receive the credit you deserve.
- Be polite. There’s nothing wrong with disagreement and lively discussion. *Argumentum ad rem* – that is, argument to the point – is welcome. *Argumentum ad hominem* – that is, arguing to “the man,” meaning judging a person’s character as a way of winning an argument – is not acceptable. Look up these terms to know more about them. Similarly, you are strong encouraged to take exception to what the professor says. Again, disagreement is most welcome. No one is penalized for disagreeing with the professor!
- Spell correctly, please.
- Take responsibility for what you write.
- Differentiate between your opinion and fact.
- Back up what you say with evidence.
- Remember, you don’t always have to have the last word in an argument or discussion. Experiment with letting the other person have the last word, especially if you’re disinclined to do so.

How you write questions to me, the professor:

Finally, after those three parts of your **CP** assignment each week are done, you are free to ask as many questions directed to the professor as you like (actually, you are free to write questions anytime, regardless of where you are at with the three part **CP** assignment!). If you can keep your questions in one post, that will be easier for me, but if you need to do several posts, you are welcome do so. My preference is that you post your questions on the discussion board for that week, again, as many questions in one post rather than lots of postings. It can get chaotic with so many postings, overwhelming to all of us.

Let the subject heading be simply **QUESTION TO THE PROFESSOR.** Again, I do prefer that you always sign your post with your name as registered for the course, so I can keep track of you and

your concerns. Remember, I can't "see" you! List your questions in that posting.

You are also welcome to **send me emails privately at any point**. Send all questions to me privately at schaler@american.edu . You can also send questions to my Teaching Assistant, Veronica Adams. Her email address is veronica.adams0318@gmail.com. Again, please sign your email with your name as registered. If you ever want to keep your email to me confidential, that is, you don't want me to mention your name, you're most welcome to request that. Just put the word **CONFIDENTIAL** in the body of your email to me. Obviously, you wouldn't post a confidential question for everyone to see!

How I will answer your questions: I plan to answer questions by email, posting, telephone, and by recording my voice on my digital voice recorder, which I'll post on BB for you to listen to or download, at the end of the week. I'm going to convert my audiofile into an MP3 file and post it somewhere in that week's BB file. You will then be able to listen to it on your computer, or download it into your Ipod or whatever and listen whenever or wherever you want. I don't know how long the audiofile will be, nor do I know how much memory it will take up. This is the first time I'm doing this, too.

☏ Finally, you're welcome to call me on that old-fashioned but incredibly sophisticated device called "the telephone." Sometimes, that's easiest.

Mid-term examination: The mid-term measures your understanding and comprehension of vocabulary, terms and concepts unique to this course, our discussions and the readings. You take the test on-line. A date will be posted for the exam. You must take the exam at the time announced. **By taking this course, you promise to keep all your books and notes away from your desk while you are taking the exams.**

Final examination: Similar to the mid-term, only the primary focus is on comprehension of concepts and their application in policy domains of law, clinical, public, and social arenas. There may also be some philosophical questions. Again, you write the answers to the exam on line.

Paper: A maximum ten-page paper on any aspect of psychiatry, psychology and the law of your choice. Feel free to write to me personally, or call, to discuss your topic. The paper is due two weeks after our last class meeting. APA format. Writing

guidelines will be posted separately. Remember, you must follow American Psychological Association format.

Please divide your paper up into the following sections, using the following headings:

Introduction
Here you tell your reader what you're going to write about, why you're writing about it, and how you're going to go about writing your paper. At the end of this section you will define any necessary terms. If there are a lot of terms that need defining, you'll create a separate section entitled **Operational terms and definitions**. That will be flush left.

The next section is entitled **Literature review or Review of the literature**. Avoiding quoting more than two lines max. Paraphrase material you find. Present evidence in support of both sides of an issue or controversy. Do not insert your opinion in this section.

The next section is entitled **Discussion.** Here you analyze what you found in the Literature review section. You write your opinion here, just make sure you indicate that something is your opinion, not a fact. Do not confuse your opinion with fact. Make sure you cite everything properly in all sections, according to APA format.

The next section is entitled **Summary and Conclusion**. Here you restate the purpose of your paper, how you went about writing it, what you found, what your bias is or investment in seeing things a particular way might be, and then you end by suggesting to the reader what might be a good direction to write about next, as a result of your findings.

Finally, you have the **Reference** section, which begins at the top of the next sheet of paper. Be carefully here. It's got to be written exactly according to APA style and format.

Page numbers are centered at the bottom of the page. In the upper right header of your paper, make sure your name is listed

Ask a Librarian – Note embedded links

Librarians can help you identify, locate, evaluate, and incorporate pertinent information into your course assignments. There are many ways to contact a reference librarian at American University:

☐ Visit the Reference Desk on the main floor of the Library during its open hours.
☐ Use the IM Reference service (AIM: AskAULibrary), which is staffed by AU reference faculty and staff. IM reference is ideal for getting recommendations on the best print and Web-based resources for your research needs. Online librarians can explain how to navigate the ALADIN catalog and databases, and they can show you how to formulate effective search strategies to save you time.
☐ Email an AU reference librarian by completing this online form. Librarians respond to email questions within 48 hours Monday-Friday. Allow extra response time for questions submitted over weekend and holiday time periods.

CLASS SCHEDULE

Note: The topic section here is under construction and will be complete by the day class starts, Monday, May 14, 2007. In the meantime, begin reading as much of Szasz's Insanity: The Idea and Its Consequence as you can. Pay particular attention to all of the charts, tables and figures in the text.

Date	**Topic**	**Reading**
May 14	Phenomenon of interest: Mental illness Overview of the three-step model of policy analysis Synthetic and analytic truth Deconstructing mental illness Operational terms and definitions Description	Szasz: Insanity
May 21	Explanations for the phenomenon of interest: Mental illness Theological Biological Psychological Sociocultural	Szasz: Cruel Compassion
May 28	Policy: "What then must we do?"	Szasz: Law, Liberty,

(Or not do?) and Psychiatry

Formal versus informal social control

The relationship between the individual and the state

Different definitions of freedom: Left versus right

Relational and self control

Legal policy issues

Clinical policy issues

Public policy

Social policy

June 4	Mid-term examination	Edwards
June 11		Edwards
June 18		Articles
June 25	Final examination	
July 9	Final paper due	

✍Clear and accurate writing—including accurate spelling on exams and papers—will be taken into account in assigning grades, as well as participation in class discussions. Material discussed on BB may form the basis for questions on the examinations. Exams must be taken on the dates assigned. Grades: A-=90, B+=89, B-=80, C+=79, C-=70. If you're having trouble at any time, please write directly to me at schaler@american.edu , or telephone me at the numbers on the first page of this syllabus.

☞ This course is different from most courses on psychiatry, psychology and the law. We are learning from a uniquely Szaszian perspective. This is because the professor is an expert in this particular approach to understanding psychiatric theory and practice. You will learn the conventional wisdom about psychiatry and mental illness. However, you will be steeped in a critical approach to understanding psychiatry because that is consistent with the scientific method. This is

not a course in “anti-psychiatry,” the professor is not an “anti-psychiatrist.” He believes that people should be free to believe what they want to believe about psychiatry and mental illness and that psychiatry, medicine, and psychotherapy must exist on a contractual and consensual basis, devoid of coercion.

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."