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

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JLS-596.N01L – Psychiatry, Psychology, & the Law
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On-line via Blackboard 6

Faculty: Dr. Jeffrey A. Schaler, Ph.D.
schaler@american.edu
Telephone: (my cell phone, best way to track me down) 240.460.0987
Teaching Assistant: Hilary Kimbal, MS
hkimball2@gmail.com

Faculty: Dr. Jeffrey A. Schaler
Office: Ward 257
Telephone: 202.885.3667
E-mail: schaler@american.edu
http://www.schaler.net

Office hours: (by appointment)

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 allegedly 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."

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 SOME 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. A special folder will contain all these and more articles. When you click on the articles, a link takes you to the library. You'll be asked to type in your name and ID. Then, you'll have direct access to your article. The librarians are VERY helpful. The best!

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 - Jeff Schaler's Website
http://www.szasz.com - Thomas Szasz Website
http://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 -- A major project unique to this course. See description.	**30 percent**
Final exam -- Short and long essay questions measuring concept comprehension	**30 percent**
Paper-- A major project for this course, measures writing skill and application of ideas within a contemporary context	**40 percent**
Total =	**100 percent**

Note: No mid-term exam.

Class participation (CP): This is an important, twp-part weekly assignment, similarly to 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 two 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 twp-part assignment the following way:

CP post #1 The first 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 FIRST 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. This one is important. We can't find it otherwise. Make sure the link works, please!

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 #2. The second 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:

#2. 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 second 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 week. Of grgr

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.

You're always welcome to set up a meeting with me, your professor to come and talk to me about anything, schools work, social problems, problems with professors. I am scary to some, but remember, you must take a risk to grow. You must take a risk to grow! (I'm actually not as scary as people thought.) First and foremost, you're safe with the professor you write questions to me, the professor:

Finally, after those two 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 and send questions anytime, regardless of where you are at with the 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 Graduate Teaching Assistant and is very helpful. She just passed her master's degree comprehensive examination with "distinction." Everyone likes meeting with Hilary. hkimball2@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 may 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 down

Final examination: 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. 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. You agree to the honor system. Thus, everything will be spelled out, crystal clear to you.

Paper: A paper of any length on psychiatry, psychology and the law of your choice is acceptable.. YOU DECIDE THE LENGTH. Feel free to write to me personally, or call, to discuss your topic. The paper is due two weeks after our last class meeting (JULY 7, 2008). APA format. Strict. 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. You can find APA format online. Use Oxford English Dictionary online through the library. It's useful. I will make sure that all the posts and links are up by the first day of class.

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.

Note: The material below regarding links to the library will be updated shortly. Many articles will be posted in a file on Blackboard that you can download through the library. If you have any questions or concerns ask Hilary or me.

Ask a Librarian – Note embedded links
Librarians can help you identify, locate, evaluate, and incorporate pertinent information.

http://bender.library.american.edu:8083/php/distance_ed.php

Services for Distance Learners

American University offers a variety of options for receiving library materials to those enrolled in distance learning and/or study abroad programs.

For students and faculty in the following programs:

- Weekend degree programs
- American Encounters program
- AU/NTL (National Training Laboratory)
- Executive Master of Public Administration
- Key Executive Program
- AU/OPM
- Institute for the Study of Public Policy Implementation (ISIPPI)
- Federal Managers Practicum
- Summer Distance Education Courses (online courses)
- Ph.D. students or AU Faculty who are located outside of a 100 mile radius, but inside the continental United States

The following services are available:

- Five books may be requested online and received through U.S. Mail (you may only have 5 books on your account at a time), from either AU's collection or a WRLC library.
- The Table of Contents of a book and up to 25% of that book, from either AU? s collection or a WRLC library, may be requested online and will be delivered in .pdf format to your MyALADIN account. The electronic option is faster.
- Articles not available in our online journal collections may be requested online and will be delivered in pdf format to your MyALADIN account.

To place a request, please use this webform.

For students in the following programs:

- AU Abroad
- WCL International Dual Degree Program
- Faculty or Ph.D. students or AU Faculty who are located outside of a 100 mile radius, but outside the continental United States
- Summer study abroad programs

The following services are available:

- The Table of Contents of a book and up to 25% of that book, from either AU? s collection or a WRLC library, may be requested online and will be delivered in .pdf format to your MyALADIN account. The electronic option is faster.
- Articles not available in our online journal collections may be requested online and will be delivered in pdf format to your MyALADIN account.
- We DO NOT send books internationally.

To place a request, please use this webform.

Things to know:

- Books will be checked out to your AU Library account
- Standard due dates will apply
- Renewals will follow the standard policy (3 online renewals as long as no holds or recalls are placed on the book and fines do no exceed $25.00. After the renewal limit has been reached the books must be returned
- The library will pay for shipping with signature confirmation when the books are sent
- We will consider it "on time" as long as the postmark is on or before the due date
- Return postage is the responsibility of the user
- We will limit the number of materials a user can have at a time: there can only be 5 books checked out at a time

CLASS SCHEDULE

Note: The topic section here is under construction and will be complete by the day class starts, Monday, May 12, 2008. 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. Each Monday I will post a written "lecture." Remember, you will be responsible for CP 1 and CP 2 **each** week. You can keep them short.

Date	**Topic**	**Reading**
May 12 Monday	Phenomenon of interest: Mental illness	*INSANITY: IDEA AND ITS CONSEQUENCES*
	Szasz: Insanity	
	Overview of the three-step model of policy analysis	
	Synthetic and analytic truth	
	Deconstructing mental illness	Insanity
	Operational terms and definitions	
	Description	Cruel Compassion
May 19 Monday	Explanations for the phenomenon of interest:	Cruel Compassion
	Szasz: *Cruel Compassion*	
	Theological	
	Biological	
	Psychological	
	Sociocultural	
May 26 Monday	Policy: "What then must we do?"	Cruel Compassion
	Szasz: Law, Liberty 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, Formal (state) policies, for example, drug prohibition; and informal social policy, smoking restriction in private homes and businesses.	
June 2 Monday	Assigned readings	Cruel Compassion
	Ethics of psychotherapy	
June 9 Monday	Assigned readings	Edward
	Ethics of suicide	
June 16, Monday	Assigned readings	Edwards
	Drug therapy as failed psychotherapy	
June 23, Monday	Assigned readings	Assigned readings

How the world receives the news about mental illness.

June 30, Monday **Final exam, Last class**

July 7, 2006 **Your papers are due** Talk to me about publishing your paper on line at www.szasz.com or elsewhere if you like.

Remember: Stay on top of the two CP assignments every week. First you post a relevant news item, give the url, summarize briefly, then give your view on what the authors tried to accomplish. Then, comment on someone else's comments. This gets fun right off the bat. Be respectful. Disagreement is good and encouraged, but no point in psychoanalyzing your fellow student with an essay on how screwed up he is, or she is. Besides, that ends up hurting! I'll be updating this syllabus and other places on the course as we go along.

Grades submitted to register soon thereafter. I'm sorry, grades cannot be changed once they are submitted. I am confident you will do well. Think positively, with good self-efficacy, remember?

Never hesitate to contact Hilary or me (Schaler) for assistance when you don't follow what is being taught. We will attend to your needs and help you when you need help.

Good luck.

This version of the syllabus may change before the class starts slightly.