

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

Fall 2004

**ILS-550-001 - DRUGS, CRIME, AND PUBLIC POLICY**

Wednesday, 5:30 PM to 8:00PM

WARD 105

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**Course Description**

[From the catalogue: "Review of the history of drug abuse in America; the relationship between drug abuse and crime, including marijuana, heroin, and alcohol; national strategies to deal with drug abuse; improvement of policies in the future."]

We may approach the issue of drug use and control in a free society from at least three perspectives. For example, drug warriors focus on strict enforcement of prohibition and regulation of currently illegal drugs, as well as on the expansion of sanctions to include tobacco and alcohol. They believe that drugs cause addiction and crime. From this perspective, public policies should be directed at limiting supply, protecting people from themselves, and punishment to deter sales and consumption.

A second perspective is advanced by those advocating drug policy reform through legalization, decriminalization and "medicalization." They consider criminal sanctions inhumane and cost-ineffective. They advance public policy proposals based on the idea that addiction is a treatable disease and that drug users are sick people, not criminals. Treatment should replace punishment for drug use. As Baltimore Mayor Kurt L. Schmoke declared in the late 1980s: "The war on drugs should be led by the Surgeon General, not the Attorney General." Today, their slogan is "harm reduction." They strongly support (if not directly fund) "medical marijuana" laws.

Classical liberal (libertarian) perspectives are focused on the idea that drug use is a behavior or choice as opposed to a disease, based in personal values. Thus, drug use is an ethical issue, not a medical one. Neither drugs nor addiction cause crime. Classical liberals argue that drugs are property and our right to drugs as property is guaranteed by the Constitution. They believe a free-market approach to currently illegal drugs will reduce crime and lawlessness caused by prohibition. Valuing liberty over health, they criticize public health and harm reduction approaches as paternalistic and statist.

Further complicating the issues here is the abundance of scientific evidence supporting the idea that drug use (addiction) is best explained by mental set, values, and the environment rather than genetics, chemistry and biology. Most people believe people who use drugs such as heroin, cocaine and alcohol regularly have lost the ability to control their use. This idea of “loss of control” (which stemmed from the alcohol temperance movement) is an integral part of prohibitionist and public health policies.

In this course, we examine all three perspectives described above. We will explore the substantial scientific evidence contesting the notion that addiction is a treatable disease; key issues in addiction and criminal responsibility; the nature and efficacy of addiction treatment programs, the scientific claims made about addiction; theories regarding why people become “addicted”; and sociological perspectives on deviance, crime, and public policy. Lecture and discussion format.

### Course Objectives

1. To improve the student's legal, scientific, and policy-oriented thinking about drug control in a free society.
2. To comprehend the ideological, economic, and political investments integral to various perspectives on illegal drug use, the "medical marijuana movement," and repeal of drug prohibition.
3. To investigate the ways in which drug users are defined as dangerous to themselves and others.
4. To understand diverse meanings of addiction and their relation to social policy.
5. To comprehend legal concepts and principles regarding addiction and criminal responsibility.
6. To evaluate the effectiveness and constitutionality of drug-use prevention and treatment programs.
7. To understand addiction definitions, various explanations for drug use, and public, social, clinical and legal policies implemented on the basis of those various explanations.

### Required Texts and Readings

Schaler, J.A. (2000). *Addiction is a choice*. Chicago: Open Court.

Reinarman, C. and Levine, H.G. (1997). *Crack in America: Demon drugs and social justice*. Berkeley, Ca: University of Ca. Press

Zimmer, L. and Morgan, J.P. (1997). *Marijuana myths marijuana facts: A review of the scientific evidence*. New York: Lindesmith Center.

Articles:

In David Miller (Ed.) (1985). *Popper selections*. Princeton: Princeton University Press

- “Scientific Method” by Sir Karl Popper (1934), pp. 133-142
- “The Aim of Science” by Sir Karl Popper (1957), pp. 162-167
- “Individualism versus Collectivism” by Sir Karl Popper (1945), 338-344

In Herbert Fingarette (2004). *Mapping responsibility: Explorations in mind, law, myth, and culture*. Chicago: Open Court

- “Alcoholism and Legal Responsibility,” pp. 39-51

In Jeffrey Schaler (Ed) (2004). *DRUGS: Should we legalize, decriminalize, or deregulate?* Amherst, NY: Prometheus

- “Addiction and Criminal Responsibility” by Herbert Fingarette. Pp. 306-338
- “Vietnam Veterans Three Years After Vietnam: How Our Study Changed our View of Heroin” by Lee N. Robins, John E. Helzer, Michi Hesselbrock, and Eric Wish. Pp. 249-265

In Delos H. Kelly (Ed) (1990). *Criminal behavior: Text and readings in criminology second edition*. New York: St. Martin’s Press

- “Historical Explanations of Crime: From Demons to Politics” by C. Ronald Huff, pp. 161-176
- “The Normal and the Pathological” by Emile Durkheim, pp. 177-180
- “A Control Theory of Delinquency” by Travis Hirschi, pp. 199-206
- “Social Structure and Anomie” by Robert K. Merton, pp. 227-236
- “Differential Opportunity and Delinquent Subcultures” by Richard A. Cloward and Lloyd E. Ohlin, pp. 236-246
- “The State and Organizing Crime” by William J. Chambliss, pp. 367-378

From <http://www.policyalternatives.ca/bc/rootsofaddiction.html>

- “The Roots of Addiction in Free Market Society” by Bruce K. Alexander, Published by the Canadian Centre for Policy Alternatives, April 2001, ISBN 0-88627-274-2

### **Course Requirements and Grades**

Mid-term examination	30%
Paper	30%
Final exam	30%
Class participation	10%
Total =	100%

### **Description of course requirements**

Mid-term examination: The mid-term examination will consist of essay questions focused on all readings and discussion in class.

Paper: 10 page paper on any aspect of drugs, crime and public policy of your choice, however, your paper must deal with some allegedly scientific finding and its policy—public, social, clinical or legal—implementation and implication(s).

- American Psychological Association (APA) format
- Typed, double spaced

- Clear introduction, review of literature, discussion, and conclusion
- Separate page for references
- Minimal footnotes
- Additional guidelines to be discussed in class

Final examination: The final examination will consist of essay questions focused on all readings and discussion in class (cumulative).

Readings and notices regarding class will be sent to you by the professor via Blackboard. 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. Guest speakers may make presentations. 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.

#### 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."

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## CLASS SCHEDULE

Date	Topic	Reading
Sept. 1	Studying addiction it's explanations, & policies	Lecture
Sept. 8	Addiction is a Choice Vietnam Veterans Three Years After Vietnam	Schaler Robins et al.
Sept. 15	Marijuana myths marijuana facts	Zimmer & Morgan
Sept. 22	Crack in Context; The Crack Attack	Reinarman & Levine Chaps 1 & 2
Sept. 29	The Contingent Call of the Pipe Crack and Homicide in New York City	Chap 4 Chap 6
Oct. 6	The Social Pharmacology of Smokeable Cocaine	Chap 7
Oct. 13	When Constitutional Rights Seem too Extravagant to Endure	Chap 11
Oct. 20	<b>Mid-term examination</b>	
Oct. 27	Scientific Method; The Aim of Science; Individualism versus collectivism	Popper/Miller
Nov. 3	Alcoholism and Legal Responsibility; Addiction and Criminal Responsibility	Fingarette Fingarette
Nov. 10	Historical Explanations of Crime; The Normal and the Pathological	Huff Durkheim
Nov. 17	A Control Theory of Delinquency; Social Structure and Anomie; Differential Opportunity and Delinquent Subcultures	Hirschi Merton Cloward & Ohlin
Nov. 24	<b>Thanksgiving Break – No class</b>	
Dec. 1	The State and Organizing Crime; The Roots of Addiction in Free Market Society	Chambliss Alexander
Dec. 8	<b>Papers due; Review</b>	
Dec. 22	<b>Final examination</b>	