Course Description

"They say that freedom is a constant struggle," sang the Mississippi "freedom fighters" during the Civil Rights movement in the 1960s. Today, there are less visible struggles for freedom, yet they are no less constant. One concerns the right to be left alone—the liberty of individual autonomy against the restraint of government authoritarianism. Is it constitutional for government to protect citizens from themselves and deprive them of liberty in the process?

Freedom of and from religion were dear to Thomas Jefferson and James Madison. The First Amendment was written, in part, to separate church and state and serves to protect against those who would deprive us of liberty in the name of religion. According to some influential writers over the past forty-five years, institutional psychiatry now replaces religion and is used by government to justify paternalism, that is, it is used to deprive citizens of liberty. Behaviors formerly considered "good" and "bad" are now labeled as medical signs of "mental health" and "mental illness." Psychiatrists are empowered by the state to restore liberty and autonomy in those persons considered "mentally ill"—even if those labeled sick don't want to be "cured." Thus, do we have what has come to be known as "the therapeutic state" (a term created by psychiatrist Thomas Szasz in 1963). To what extent (if at all) has institutional psychiatry, that is, psychiatry sanctioned by the state, replaced the religious tyranny Jefferson and Madison worked so hard to protect us against?

Suicide (not "physician-assisted suicide") is considered one of the most controversial topics for discussion today. Is suicide a symptom of "mental illness?" Does a person have a right to die? If the Constitution guarantees our right to life, liberty and property, doesn't it also guarantee our right to self-destruction and death? How might government authoritarianism evolve to deprive citizens of individualism and liberty in this situation? Might such policies ultimately lead to a totalitarian society? When, if ever, is such deprivation of liberty constitutionally justified?

In this course we examine the answers to those and related questions. We will discuss the political and ethical issues involved in the right to one's body as property. We will study how the Nazis used medical rhetoric to justify persecution and murder in the name of public health. We will explore the ways government deprives individuals of liberty in a free society by focusing on the relationship between liberty and responsibility, psychiatry and government, and the origins of totalitarianism according to F.A. Hayek's critique of socialism and collectivism. Your life is going to change as a result of taking this course. Lecture and discussion format.
DEPRIVATION OF LIBERTY is one of the courses in Curricular Area 4, Social Institutions and Behavior, in the university’s General Education Program. This course is taken as part of a two-course sequence. The foundation courses preceding it include Individuals and Organizations (54.105), Psychology: Understanding Human Behavior (57.105), and Justice in America (73.100). DEPRIVATION OF LIBERTY explores in more depth a topic introduced in those three foundation courses.

**Course Objectives**
1. To improve the student’s legal, philosophical and policy-oriented thinking about liberty in a constitutional democracy.
2. To evaluate the values, costs, and logic of the ways in which classes of people (for example, drug users and those labeled as mentally ill) are defined as dangerous to themselves and others.
3. To explore the social, economic and political origins of totalitarianism and their relationship to authoritarian and paternalistic government policies in the US today.
4. To understand the meaning of “the therapeutic state" and what happens in involuntary treatment for mental illness and drug addiction; the structure and function of the insanity defense; and deprivations of due process via psychiatric testimony in the courts.
5. To understand how policy is formulated, developed and implemented based in classical liberal versus collectivist philosophies.
6. To develop skill in debating controversial legal and public policy issues.

**Required Texts**

**Course Requirements and Grades**

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<tr>
<th>Requirement</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Mid-term examination</td>
<td>30%</td>
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<tr>
<td>Final examination</td>
<td>35%</td>
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<tr>
<td>Paper</td>
<td>25%</td>
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<tr>
<td>Class participation</td>
<td>10% (includes group presentations)</td>
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<td>Total</td>
<td>100%</td>
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**Paper**
Write an eight- to ten-page paper on any contemporary issue you believe involves the deprivation of liberty by the state. Focus on the relationship between the individual and state. Include ideas and principles we've covered in class. State the problem, as you see it, clearly. Differentiate between fact and your opinion. You're encouraged to express your opinion, just make sure you articulate the difference between fact and opinion. Discuss a solution to this problem. Describe possible problems created by your solution. Typed. Double-spaced. In text references like this (Schaler, 2000). Cite quotes this way (Schaler, 2000, p. 3). Use American Psychological Association (APA) format – (author, date, page #). References as the books are listed on this syllabus. Check. We will talk more about this in class.

Many readings and notices for class will be sent to you by the professor via email. Make sure you are receiving the emails and reading them. Check [http://currentideas.blogspot.com](http://currentideas.blogspot.com) for readings, too.

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 four 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. 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. All meetings with Professor Schaler are established by appointment. Email me at schaler@american.edu to set up an appointment time. It will usually be on Mondays and Thursday from 11:00 AM to 2:00 PM, however, other times may be available after 5:00 PM on Mondays.

**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**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading</th>
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<tbody>
<tr>
<td>August 28</td>
<td>Introduction to the therapeutic state</td>
<td>Lecture</td>
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<td>August 31</td>
<td>Mental illness and disease</td>
<td>Szasz, Phar.1-3</td>
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<td>September 7</td>
<td>Scientific Medicine: Disease</td>
<td>Phar. 4</td>
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<td>September 11</td>
<td>Lecture on producers and idleness</td>
<td>Phar. 5</td>
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<td>September 14</td>
<td>Psychiatric Medicine</td>
<td>Phar. 6</td>
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<td>September 21</td>
<td>Philosophical Medicine</td>
<td>Finish Phar.</td>
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<td>September 25</td>
<td>Certifying Medicine</td>
<td>LBO 1-3</td>
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<td>September 28</td>
<td>Psychiatric Slavery: Legal Fiction</td>
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<td>October 2</td>
<td>Dred Scott to Tarasoff</td>
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<td>October 5</td>
<td>Psychiatric Slavery As Public Health</td>
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<td>October 9</td>
<td>Dangerousness as disease</td>
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<td>October 12</td>
<td>The Psychiatric Will</td>
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<td>October 16</td>
<td>Outpatient commitment</td>
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<td>October 19</td>
<td>Therapeutic jurisprudence</td>
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<tr>
<td>October 23</td>
<td>Review</td>
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**Mid-term exam**

Note: You must take the mid-term exam on this date.
October 26  Origins of Racial Hygiene  Proctor 1-3
"Neutral Racism"
Political Biology  Proctor 4-6
November 2  Sterilization Law  Proctor 7-8
November 6  Anti-Semitism  Proctor 9-10
Destruction of Lives  Organic Vision
November 9  Medical Resistance  Finish Proctor
Politics of Knowledge
November 13  Introduction and The Abandoned Road  Hayek
The Great Utopia
Individualism and Collectivism
November 16  The “Inevitability” of Planning  Hayek
Planning and Democracy
Planning and the Rule of Law
November 20  Economic Control and Totalitarianism  Hayek
Who, Whom?
Security and Freedom
November 23  Thanksgiving
Read: Economic Control and Totalitarianism  Hayek
Who, Whom?
Security and Freedom
November 27  Why the Worst Get on Top
The End of Truth
The Socialist Roots of Naziism
November 30  The Totalitarians in Our Midst  Hayek
Material Conditions and Ideal Ends
December 4  The Prospects of International Order  Finish Hayek
December 7  Conclusion and Review  Hayek
Papers due
December 8  Fall classes end
December 11  Final exam  2:10 PM to 4:40 PM
Note: You must take the final exam on the date assigned. No exceptions.