

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

Spring 2005  
ILS.235-002/235G-002 – JUSTICE IN AMERICA  
Tuesdays, 2:10 P.M. to 4:50 P.M.  
Ward 4

Faculty: Dr. Jeffrey A. Schaler  
Office: Ward 257  
Telephone: 202.885.3667  
E-mail: [jeffschaler@attglobal.net](mailto:jeffschaler@attglobal.net)  
<http://www.schaler.net>  
Office hours: (by appointment)

**Course Description:** [From the catalogue: “The operations of formal systems of social control and justice in contemporary America; the conditions, values, and processes that have defined them; and the limits of their authority over the individual. Emphasis on the evolution of the criminal civil, juvenile, and administrative justice systems. Usually offered every term. *Prerequisite for General Education credit:* ANTH-150g or PSYC-105g or WGST-125g.”]

“Justice: II. Judicial administration of law or equity. 4. Exercise of authority or power in maintenance of right; vindication of right by assignment of reward or punishment; requital of desert.” -- *Oxford English Dictionary*

Does society blame individuals exhibiting abnormal behavior for social problems, and deprive them of justice and liberty in the process? How does society use the idea of medically-based deviance to absolve citizens of responsibility for their criminal behavior? What is the difference between formal and informal social control, and how have informal social controls become more and more a part of formal social controls? What are some of the consequences to shifting in these areas? Under what circumstances, if ever, should government be paternalistic and serve as a "therapeutic state," protecting citizens from themselves? What does "justice" really mean and what is its relation to responsibility and freedom?

In this course we explore answers to these and related questions, including the history of scapegoating and its relation to the invention of mental illness. We study the history of medicalizing behavior and how it is used to deprive people of justice and liberty. How is responsibility for behavior removed by legal institutions when it should not be? And how is responsibility for disease assigned when it should not be? We examine psychiatrically-influenced conceptions of justice, specifically due process and the right to stand trial. Lecture and discussion format.

**Course Objectives:**

1. To become familiar with sociological, historical and psychiatric perspectives on deviant behavior and their relation to the criminal justice system in the United States today.
2. To understand the relationship between responsibility and justice in public policy and law.
3. To learn about problems in the relationship between psychiatry and the law including: the history of the insanity defense; involuntary commitment procedure; due process and the right to trial.
4. To learn to evaluate legal interpretations of clinical findings in the social sciences and their relation to issues concerning criminal justice.
5. To explore moral and philosophical perspectives on the concept of justice.

## Course Requirements and Grades:

Mid-term examination	30%
Paper	20%
Final examination	30%
Class participation/presentation	20%
Total = 100%	

**Paper:** Write a five page, double-spaced paper on any contemporary issue that has to do with justice and (1) responsibility for behavior removed where it should be assigned; or (2) responsibility assigned where it should not be assigned; (3) and/or something to do with some sort of contemporary formal social control that you believe should be moved to the domain of informal social control; (4) and/or has something to do with the relationship between liberty and responsibility (Remember: the two are positively correlated). You must use APA (American Psychological Association) style. Use in-text citation like this (Schaler, 1993). List references at the end as below. We will discuss this in class. You will talk about your paper in class. If you have trouble with your writing, make sure you come and talk with me about it before you write your paper. I will very likely encourage you to set up a meeting with our department writing consultant.

(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.)

Teaching assistant: Quinci Moody [quinci\\_moody@yahoo.com](mailto:quinci_moody@yahoo.com)

## Required Texts:

- Conrad, P. & Schneider, J.W. (1992). *Deviance and medicalization: From badness to sickness*. expanded edition. Philadelphia: Temple University Press.
- Szasz, T.S. (1970). *The manufacture of madness: A comparative study of the Inquisition and the mental health movement*. New York: Harper & Row.
- Szasz, T.S. (1988). *Psychiatric justice*. Syracuse, New York: Syracuse University Press.

Additional writings and films to be assigned.

**Note:** 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. **Exams must be taken on the dates assigned. 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. Students are encouraged to form study groups on their own. Grades: A-=90, B+=89, B-=80, C+=79, C-=70. **You are encouraged to have at least one meeting with Dr. Schaler to go over your work in this course.** Make appointments early. Don't wait until the end of the semester. **Check your email for class readings, announcements, etc.** Check Blackboard for announcements.

## **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

Date	Topic	Reading
January 11	Introduction: Deviance and justice in America	D & M: v-16
January 18	Badness to sickness: the medical model	D & M: 17-72
January 25	Alcoholism & addiction	D & M: 73-144
February 1	Children & medicalization	D & M: 145-171
February 8	Homosexuality	D & M: 172-214
February 15	Medicine & crime	D & M: 215-240
February 22	Medicine as institution of social control	D & M: 241-260
<b>February 8</b>	<b>Mid-term examination</b>	
February 15	Inquisition & institutional psychiatry	Szasz: xv-136
February 22	Manufacture of madness	Szasz: 137-292
<b>March 1</b>	<b>Papers are due: Presentations</b>	
<b>March 8</b>	<b>Spring Break</b>	
<b>March 15</b>	<b>Presentations</b>	
March 22	Incompetence to stand trial	Szasz (PJ): 9-36
March 29	Laws pertaining to mental competence	Szasz: 37-55
April 5	The psychiatrist as adversary	Szasz: 56-84
April 12	The case of Mr. Louis Perroni	Szasz: 85-143
April 19	The case of Mr. Abraham Hoffer	Szasz: 144-177
April 26	The case of Mr. Edwin A. Walker	Szasz: 178-225
April 26	The case of Mr. Frederick Lynch	Szasz: 226-248
April 26	Review	Szasz: 249-272
<b>May 3</b>	<b>Final exam</b>	<b>2:10 P.M to 4:40 P.M.</b>