Course Outline

COURSE: LAWS 4303A – Drugs, The User and The State
TERM: Fall 2017
PREREQUISITES: Fourth Year Honours standing and one of LAWS 2301 LAWS 2302
CLASS: Day & Time: Thursday, 8:35am – 11:25pm
Room: Please check with Carleton Central for current room location
INSTRUCTOR: Kourosh Farrokhzad-Naraghi

CONTACT: Office: B442 Loeb Building
Office Hrs: Thursdays 12:00pm to 2:00pm
Telephone: 613-809-7871 (Cell)
Email: KouroshFarrokhzadNaraghi@cunet.carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: http://carleton.ca/equity/

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: http://carleton.ca/equity/

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). Requests made within two weeks will be reviewed on a case-by-case basis. After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are
made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (if applicable).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at http://carleton.ca/equity/

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at: http://carleton.ca/studentaffairs/academic-integrity/

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

**Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

http://carleton.ca/law/current-students/

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**COURSE DESCRIPTION**

A single mother below the poverty line is incarcerated for possession of cocaine for the purpose of trafficking. A student, as part of a marijuana compassion club, is charged for illegal possession of a controlled substance. A black man driving an SUV is stopped by Ontario Provincial Police on the suspicion that he is a drug dealer simply because he is driving an expensive car. Record profits are reaped by a pharmaceutical company from marketing a controversial psychotropic drug. Canada is engaged in a war to restore law
and order in Afghanistan and yet the flow of the illegal opium trade internationally has reached levels far exceeding that under the Taliban regime. After nearly a century of prohibition, Prime Minister Justin Trudeau is making headlines on the Canadian Government’s effort to legalize marijuana from coast to coast to coast. What do these occurrences have in common?

In this course we attempt to make sense of the Canadian state’s historical and contemporary efforts to control drugs and drug users by exploring different aspects of drug control through ideological and institutional state apparatuses. The purpose of this course is to encourage students to think critically about both Canadian and International experiences in drug control. We explore different forms of drug control, looking at the role of both criminal and administrative law in attempts to regulate substances. Students will be encouraged to challenge common discourses around drugs by thinking through developments in drug control from social, cultural, legal, political, economic and international standpoints.

REQUIRED TEXTS

Most required reading material has been compiled in a coursepack which is sold through Octopus Books, located at 116 Third Ave in The Glebe. The coursepack will include all required readings. All other required readings as indicated in the outline will be made available on cuLearn prior to the start of classes.

SUPPLEMENTARY TEXTS

All other further readings indicated in this outline are not required nor mandatory for evaluation purposes. However, these readings will be made available either through cuLearn (subject to copyright limitations) or through online library sources (for example, the JSTOR Database). There may also be other newspaper articles, links to multimedia materials and other sources of information appended to the course outline on cuLearn. These materials are added for general interest or, for example, as “starting points” for paper topics. You are not required to read or view any supplementary materials.

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.
Evaluation Scheme:

Class Participation 20%  (expected every class)
In-Class Facilitation 10%  (date to be assigned in class)
Outline for Term Paper 10%  (due: October 13, 2017)
Term Paper 60%  (due: December 8, 2017)

Explanation of Evaluation Methodology:

Class Participation  Value: 20%
This course is founded upon participation. The more you participate, the more marks you will likely get. Fundamentally, While I do not *police* class participation, you are expected to participate in class discussions each week- showing up will only partially count towards the participation requirement. Higher participation and meaningful interventions by all students in in-class discussions and presentations will also increase the level of discussion and its relevance to participants. Students are encouraged to ground their comments in a critical approach to the readings. Personal and political opinions are relevant in this course, but such opinion must engage with the specific themes of the course being explored. There is no “right” view of the course material, but whatever approach students take must be justified.

In-Class Facilitation  Value: 10%
Throughout the term, students will lead and facilitate discussion based on the course readings. Each week, the class will begin with the facilitations and conclude with class discussion/analysis of material. Facilitations may be done independently or in groups. A facilitation is not a simple presentation – it consists of students guiding and engaging in discussion with the class. Avoid PowerPoint presentations and prepared lectures or reading from notes. The facilitator's job is not to present the readings, which all of the students are expected to have already done. Instead, the facilitators are expected to engage and guide students in meaningful discussion by presenting thought-provoking questions based on issues and themes raised in the materials. The expectation for students is that they are to engage critically and meaningfully with their peers and the readings based on topics presented each week.

While participation of all students will be assessed throughout the term, the facilitators will be evaluated on the basis of their questions, quality of discussion and analysis
during their chosen facilitation day. In addition to the assigned readings, the facilitators are encouraged (but not required) to introduce one external reading of their choice into the discussion.


To make sure that students develop a considered and coherent strategy for their term papers, they will submit a two to five page abstract including a bibliographical list of ten sources. The abstract should contain a clear thesis statement and one or several paragraphs describing the topic and approach to be taken, followed by a skeleton or point form outline of the essay. The bibliography need not be annotated; however, points will be deducted where at least ten sources are not cited and/or it appears that the sources cited are not specifically related to the topic in question or would not otherwise advance the agenda of research.

**Term Paper: Value: 60% (due December 8, 2017 at 11:55pm via cuLearn)**

You are to submit a 15 to 20 page term paper or research project that demonstrates your analysis of the course content and its themes. While I had previously provided a list of topics for the term paper previously, this is no longer the case. Topics are completely open, which means that you are free to write on any issue or subject-matter as long as it relates to the core themes of this course, with a minimum of fifteen bibliographic sources. I would encourage each student to speak with me about her or his selected topic before beginning the outline as all topics must be finalized by the instructor at this stage.

**SCHEDULE**

**WEEK 1: September 7, 2017 - INTRODUCTION**

The introductory seminar will address the rationale and history of having a regulatory framework of drugs in Canada. What constitutes a drug? Why are certain substances regulated in Canada?

**Readings:**


Further Readings:


Riley, Diane. “Drugs and Drug Policy in Canada: A Brief Review and Commentary” (Ottawa: Canadian Foundation for Drug Policy, 1998) online at [http://www.cfdp.ca/sen1841.htm](http://www.cfdp.ca/sen1841.htm) and [https://sencanada.ca/content/sen/Committee/371/ille/library/riley-e.pdf](https://sencanada.ca/content/sen/Committee/371/ille/library/riley-e.pdf) and cuLearn.

*Controlled Drugs and Substances Act*, SC 1996, C. 16

PART ONE: STATE APPARATUS AND THE EXCLUSION OF “DIFFERENCE”

WEEK 2: September 14, 2017 – ILLEGAL SUBSTANCES AND PROHIBITION OF RACE: A BRIEF HISTORY OF DRUGS IN CANADA

The current systems of regulating drugs in Canada find their origins in social, economic and political conditions, which have variously defined the nature of what constitutes a drug, the public need for drug regulation and the permissible scope of drug usage. This seminar will explore the history of drug regulation and its relationship to treatment of Canada’s First Nations and diverse ethnic and cultural immigrant communities.

Readings:


Further Reading:


WEEK 3: September 21, 2017 - THE WAR ON DRUGS

The War on Drugs in Canada has institutionalized an essentialist state view of a prohibition only strategy towards drug control. What does this approach mean for the poorest and most chronically affected drug users in Canada? Is Canada's war on drugs a product of American hegemony? Who are the direct or implicit targets of the War on Drugs? Who benefits from this so called “war”?

Readings:


Further Readings:


WEEK 4: September 28, 2017 – POLICING AND DRUGS
Is there a systemic bias in policing which targets certain racial and/or socio-economic groups in the investigation of drug crimes? How are the public policy objectives of policing determined and for whose benefit? Are current methods of policing effective in reaching their objectives?

Readings:
R v. Curry 2005 CanLII 32191 (ON C.A.)


Further Readings:

Lichtenburg, Illya. (2006). “Driving While Black (DWB): Examining Race as a Tool in the War on Drugs” in Police Practice and Research 7(1) at pp. 49-60.


WEEK 5: October 5, 2017 – INTERNATIONAL DRUG CONTROL
We examine the role of international conventions with respect to drug control and how these obligations translate into domestic and foreign policy. The case studies of Columbia and Afghanistan will be specifically considered.

Readings:


Further Readings:


Single Convention on Narcotic Drugs, 1961 (Single Convention, 1961)

The Convention on Psychotropic Substances of 1971

The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (Vienna Convention)


(Outline due October 13, 2017)

What determines whether a drug will be regulated as a pharmaceutical? What role do pharmaceutical corporations play in controlling the supply and demand for pharmaceutical drugs? Can government institutions prove to be reliable and effective regulators of drugs?

Film Excerpt: The Corporation (2003), Directed by Mark Achbar, Jennifer Abbott

Reading:


Further Readings:


PART TWO: DRUG POLICY AND MORAL REGULATION

WEEK 7: October 19, 2017 – HARM REDUCTION

Is harm reduction a desirable and feasible approach to the issue of drug use in Canadian society? This seminar will focus upon the challenges and successes of harm reduction in different contexts looking at the pilot project of the Safe Injection Facility (SIF) known as InSite in Vancouver’s Downtown East Side as well as the Safe Inhalation Project (also referred to as the “Crack Pipe” program) in Ottawa. Guest speakers will present views on the social, political and ideological controversies surrounding these harm reduction initiatives.

Readings:

Canada (Attorney General) v. PHS Community Services Society, 2011 SCC 44. (Available on cuLearn)


Further Reading:


WEEK 8: November 2, 2017 – DRUG USERS

What are the social, economic and personal factors, which influence drug use in society? What is the explanation for the moral panic that surrounds dominant ideas about drug use and drug users? How are these moral attitudes reflected in drug policy and how are these views reconciled with the science of dependency and addiction?

Readings:


Further Reading:


WEEK 9: November 9, 2017 - DISABILITY AND THE NORMATIVE USE OF PRESCRIPTION DRUGS

People take drugs for different reasons. The manner of dispensation of drugs has a direct bearing upon the perceived legitimacy of drug use in society. Can the use of illicit drugs be morally justified for the treatment of disability? What are the limits of moral justification? Are the public policy reasons, which define the regulatory control of prescription drugs and exceptional use of controlled substances responsive to the needs of disabled persons?

Reading:


PART THREE: CRIMINALIZATION AS A TOOL OF NORMALIZING BEHAVIOUR

WEEK 10: November 16, 2017 – DRUGS AND CRIME

Is there a positive and necessary correlation between the use of drugs and crime? Does drug use make users violent? Is prohibition the safest and most effective method of reducing crime? How does the state react to drug crimes?

Readings:


**Further Reading:**

**WEEK 11: November 23, 2017 – SENTENCING IN DRUG OFFENCES AND DRUG TREATMENT COURTS**
When a person accused of a drug crime is convicted, he or she is then subjected to a judicial sentence. What factors determine the gravity of this sentence? Are the dynamics of sentencing principles consistent with the social, economic and political realities of drug use in Canada? Should sentencing principles be reassessed?

**Readings:**


**WEEK 12: November 30, 2017 – DECRIMINALIZATION AND PROPOSED LEGALIZATION OF MARIJUANA**
Two hundred years ago, the production of cannabis sativa was encouraged in North America and promoted as a rotational crop. With the advent of Mexican immigration to the United States in the 1920s, attitudes towards marijuana changed throughout North America and its use and possession became criminalized. Is the criminalization of marijuana historically justifiable? Have current laws prohibiting marijuana in Canada
been effective in protecting society from harm? Was the regulatory exception for use of marijuana for medicinal purposes a sufficient response? Is the Government of Canada correct in law and policy as it prepares to legalize marijuana in the summer of 2018?

**Readings:**


**Further Reading:**


**WEEK 13: December 7, 2017 – PAPER REVIEW CLASS – Attendance is Optional**

(Final paper due last day of classes: December 8, 2017)