Course Outline

COURSE:  LAWS 4303 A - Drugs, the User and the State
TERM:  Early Summer 2012
PREREQUISITES:  See Undergraduate Calendar
CLASS:  Day & Time:  Mondays and Wednesdays 8:35 am– 11:25am
          Room:  Please check with Carleton Central for current room location
INSTRUCTOR:  Kourosh Farrokhzad
CONTACT:  Office:  B442 Loeb
          Office Hrs:  Mondays 11:30 pm – 1pm
          Telephone:  (613) 216-9485 (Direct Line)
          Email:  kfarrokhzad@hf-law.ca
          Twitter:  kouroshf

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website, http://www1.carleton.ca/pmc/students/dates-and-deadlines/. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

Course Synopsis

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. 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.
Accommodation Policy

Students are encouraged to read the Academic Accommodation Policy, which can be found at www.carleton.ca/equity http://www.carleton.ca/equity. The salient points of this policy are excerpted at the following web site: http://www.carleton.ca/pmc/students/accom_policy.html. At any time during the course, should any student feel that he or she may require academic accommodation in order to meet a deadline or any requirement of the course please speak with the instructor immediately.

Evaluation Scheme:

<table>
<thead>
<tr>
<th>Component</th>
<th>Value</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
</tr>
<tr>
<td>In Class Facilitation</td>
<td>10% (date to be assigned in class)</td>
</tr>
<tr>
<td>Outline for Term Paper</td>
<td>10% (due February 10, 2012)</td>
</tr>
<tr>
<td>Final Take Home Exam</td>
<td>60% (due April 20, 2012)</td>
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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. 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. Facilitation may be done independently or in groups. Students will prepare several questions to help guide the general discussion. Avoid power point presentations and prepared lectures or reading from notes. The facilitator’s job is to raise questions for discussion and provide a framework for same – not to present the readings, which it is assumed that all of the students have already done. 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 to introduce one external reading of their choice into the discussion.

Outline for Term Paper
Value: 10% (due Friday May 25, 2012)

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 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/ Take-Home Exam
Value: 60% (due Monday June 25, 2012)

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. 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.

Lecture Schedule

WEEK 1: May 7, 2012- 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:


ISBN: 088629116X
Further Readings:

Riley, Diane, “Drugs and Drug Policy in Canada: A Brief Review and Commentary” Canadian Foundation for Drug Policy, 1998 [This study was prepared for Senator Pierre Claude Nolin as a background document for his June 1999 motion to have Canada's Senate conduct a thorough review of Canadian drug law and policy - Canadian Foundation for Drug Policy] See: http://www.cfdp.ca/sen1841.htm

Controlled Drugs and Substances Act, SC 1996, C. 16 http://www.canlii.org/ca/sta/c-38.8/

Liquor License Act, R.SO. 1990, L-19 http://www.canlii.org/on/laws/sta/l-19/20061120/whole.html


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

WEEK 2: May 9, 2012 – 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:

Murphy, Emily F., *The Black Candle* (Toronto: T. Allen, 1922)
See: [http://cannabislink.ca/papers/murphy/menace.htm](http://cannabislink.ca/papers/murphy/menace.htm)

WEEK 3: May 14, 2012 - 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:


McCoy, Alfred and Block, Alan. (1992) "War on Drugs: Studies in the Failure of US Narcotics Policy" Chapter 1

WEEK 4: May 16, 2012 – 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:


Commission des droits de la personne et droits de la jeunesse, “Racial Profiling, Context and Definition” (June 2005).

Experiment Quarterly 40.

*R v. Curry* (2005) 206 CCC (3d) 100 (Ont. C.A.)


**WEEK 5: May 21, 2012 – INTERNATIONAL DRUG CONTROL**

What are Canada’s obligations under international conventions with respect to drug control and how do these obligations translate into domestic policy? What is Canada’s commitment to fighting the War on Drugs in its foreign policy? The case study of Afghanistan will be specifically considered.

**Readings:**


**Further Readings:**


*The Convention on Psychotropic Substances* of 1971

*The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988 (*Vienna Convention*)
(Outline due May 25, 2012)

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? Is Health Canada a reliable and effective regulator for control of drugs in Canada?

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

Reading:


PART TWO: DRUG POLICY AND MORAL REGULATION

WEEK 7: May 28, 2012 – 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:

InSite Studies on Carleton WEB CT

Canada (Attorney General) v. PHS Community Services Society, 2011 SCC 44 (WebCT)
WEEK 8: May 30, 2012 – 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?

Readings:


Thomas, Gareth (2002). “This is Ecstacy.”. Chapter 1, p.13 - 59.

WEEK 9: June 4, 2012 – 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: June 6, 2012 – 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 Canadian state react to drug crimes?

Reading:


Further Reading (WebCT):


WEEK 11: June 11, 2012 – 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: June 13, 2012 – DECRIMINALIZATION 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? Are current laws prohibiting marijuana in Canada effective in protecting society from harm? Is the regulatory exception for use of marijuana for medicinal purposes a sufficient response? Should marijuana be decriminalized in Canada?

Readings:

Husak, Douglas (2000x). "Legalize This! The Case For Decriminalizing Drugs" Chapter 3, pp125-151.


R. v. Clay [2003] 3 SCR 735

R. v. Long, 2007 ONCJ 340 (CanLII)

R. v. Mernagh, 2011 ONSC 212 (CanLII)

WEEK 13: June 18, 2012 – REVIEW CLASS