

**Course Outline**

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<b>COURSE:</b>	<b>LAWS 4303B – Drugs, The User and The State</b>
<b>TERM:</b>	<b>Fall 2023</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, CRCJ 3001, or CRCJ 3002, and 0.5 credit from LAWS 2301 or LAWS 2302, and fourth-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays, 6:05pm – 8:55pm</b>
	<b>Room: Online Synchronous</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Kourosh Farrokhzad-Naraghi</b>
<b>CONTACT:</b>	<b>Office: Online weekly via Zoom (link to be provided weekly via Brightspace)</b>
	<b>Office Hrs: Tuesdays 6:00pm – 7:00pm</b>
	<b>Telephone: 613-809-7871 (Cell or SMS Text)</b>
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**CALENDAR COURSE DESCRIPTION**

This course explores the state's attempts to control drugs and drug users by exploring different aspects of national and international drug control. The Canadian experience of drug control, viewed from different perspectives, will be explored within a broader socio-legal context.

**COURSE DESCRIPTION**

A single mother below the poverty line is incarcerated for possession of cocaine for the purpose of trafficking. 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. Subsequent to a landmark 2011 Supreme Court decision, the Canadian government has allowed drug users to legally inject heroin and consume other prohibited substances in provincially funded safe injection sites to much controversy and outrage, prompting the Ontario government to freeze all further funding for new safe injection sites in the province.

After nearly a century of prohibition, Prime Minister Justin Trudeau made international headlines on the Canadian government's concentrated effort to legalize marijuana from coast to coast to coast. A student, as part of a marijuana compassion club, was charged and criminally convicted for illegal possession of a controlled substance but remains waiting for an expensive pardon procedure that has been delayed due to endless bureaucratic backlogs.

In the meantime, the challenges presented by COVID-19 on strained government resources have fully exposed major inequities in Canadian drug law and policy. Since early 2020, overdose deaths have reached historic highs in British Columbia, Ontario and Quebec, especially in

Montreal, Ottawa, Toronto and Vancouver's Downtown Eastside. In response to this historic crisis, Health Canada has approved a legal exemption that will allow British Columbia to decriminalize small amounts of opioids, cocaine (including crack), methamphetamine and MDMA for personal use. Toronto and Montreal have launched their own applications for Health Canada exemptions and are now waiting for a response from the Minister of Health and the Trudeau administration.

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 prohibit drugs and criminally prosecute some 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 prohibition, including an extensive overview of harm reduction and decriminalization strategies. 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 by thinking through developments in drug control from social, cultural, legal, political, economic and international standpoints.

### **LEARNING OBJECTIVES**

Upon successful completion of the course, students should be able to:

- Identify and explain the historical evolution of Canadian drug prohibition law and policy and the way in which modern legislation and policy impacts specific marginalized and vulnerable populations within Canada;
- Recognize and explain several different theoretical perspectives addressing contemporary domestic and international drug control and the way in which state power, morality and cultural imperatives intersect with individual rights in relation to crime, policing, sentencing, incarceration and rehabilitation;
- Articulate the ways in which the daily lives of persons with addictions may be impacted by legal rules and frameworks through a comparative examination of criminal justice approaches and broader harm reduction, decriminalization and rehabilitation strategies; and
- Evaluate the effectiveness of alternatives such as harm reduction or decriminalization within the broader legal framework of contemporary Canadian drug law and policy.

### **HOW WE WILL WORK TOGETHER TO ACHIEVE THE COURSE LEARNING OBJECTIVES**

Learning is a dynamic enterprise that requires active participation of both the instructor and the

student. Thus, your ability to achieve the learning objectives for this course will depend on both of us to work towards that goal. To that end, I have drafted the following outline of our respective responsibilities in this course:

To give you the best opportunity to fulfill the learning objectives of this course, **I WILL MAKE MY BEST EFFORT TO:**

- Organize the course to facilitate the achievement of the learning objectives;
- Engage in the necessary research and preparation to craft informative and engaging lectures/seminars and tutorials using relevant pedagogical strategies and appropriate substantive content;
- Foster an online classroom environment that supports interaction and active learning in a respectful and tolerant setting;
- Maintain regular office hours (or reasonable appointments) for those students who wish to meet with me one-on-one;
- Respond to electronic communication in a timely manner (usually within one business day);
- Prepare evaluations that fairly assess your ability to engage with the content of the course and your developing skills as a university student;
- Ensure your assignments are marked in a timely manner (usually within two weeks) and that you receive meaningful feedback where appropriate; and
- Seek appropriate feedback about the course and its content and reflect and act upon this feedback to improve the course when appropriate.

To give you the best opportunity to fulfill the learning objectives of this course, **YOU SHOULD MAKE YOUR BEST EFFORT TO:**

- Complete assigned readings or other preparation tasks before class whenever possible;
- Attend class regularly and minimize distractions in order to maximize your ability to interact and engage with the material, fellow students and the instructor;
- Ensure that your interaction with other students and the instructor is respectful and tolerant of opposing views, different ways of learning or participating;

- Ask questions when you are having difficulty understanding the material being studied or if you are uncertain if you have the skills required to complete an assignment or other evaluation;
- Manage your schedule so as to ensure you have adequate time to prepare for class and complete assignments in a manner that reflects your best work (this includes time for research, writing, reviewing and editing written submissions and for practicing oral submissions);

### **REQUIRED TEXTS**

All required reading material will be available through the ARES / Carleton Library system and fully available online via Brightspace. The list of readings on ARES will include all required readings from publication sources. All other required readings from public domain sources (such as caselaw and miscellaneous weblinks) also will be available through the Brightspace “dashboard” 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, where possible these readings will be made available either through Brightspace (subject to copyright limitations) or through online library sources. There may also be other newspaper articles, links to multimedia materials and other sources of information appended to the course outline on Brightspace. 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**

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:**

Participation	20% (through attendance in class and, where applicable, via online forums)
In-Class Facilitation	10% (date to be assigned in class)

Outline for Term Paper	15% (due: <b>October 6, 2023, via Brightspace</b> )
Critical Response Assignment	15% (due: <b>November 3, 2023, via Brightspace</b> )
Final Paper	40% (due: <b>December 8, 2023, via Brightspace</b> )

### **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 - attendance will only partially count towards the participation requirement. Higher participation and meaningful interventions by all students in in-class discussions 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. Attendance is mandatory and will be taken each class.

Owing to my experiences last year with online learning, each week will also have a respective "online forum" on Brightspace where students can participate in an asynchronous format in order to discuss salient themes and issues raised in the readings themselves. Flexibility and accommodation will be the overarching theme when it comes to assessing participation so please do contact me if you have any questions or concerns whatsoever.

#### **In-Class Facilitation Value: 10% (date to be assigned in class)**

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 student 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 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.

**Outline for Term Paper: Value: 15% (due October 3, 2023, at 11:59pm via Brightspace)**

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.

**Critical Response Paper: Value: 15% (due November 3, 2023, at 11:59pm via Brightspace)**

This assignment will involve writing a short summary and analysis (approximately 5 double-spaced pages) of an academic article from the readings that particularly interests you. The paper should briefly summarize the main themes and arguments of the readings and then analyze the arguments within them. The point of the paper is to allow for a more sustained analytical engagement with a topic that especially interests you. No further or external sources are required to be used in the writing of this paper, but you are permitted to base your arguments upon a maximum of three external sources if you wish.

**Term Paper: Value: 40% (due December 8, 2023, at 11:59pm via Brightspace)**

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.

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less

than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension.

## **SCHEDULE**

### **WEEK 1: September 7, 2023 - 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:**

Althusser, Louis, "Ideology and Ideological State Apparatuses: Notes Towards an Investigation" in *Lenin and Philosophy* (London: New Left Books, 1971), pp. 127-186.

Mitchell, C.N. *The Drug Solution: Regulating Drugs According to Principles of Efficiency, Justice and Democracy*. (Ottawa: Carleton University Press, 1990), pp 5 - 31.

Ridgeway, Lucas. "Busted: An Illustrated History of Drug Prohibition in Canada by Susan Boyd (Fernwood, 2017)." *Journal of prisoners on prisons* 27.2 (2018): 131–134.

#### **Further Readings:**

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

Global Commission on Drug Policy, *War On Drugs: Report Of The Global Commission on Drug Policy*, (Geneva: Global Commission on Drug Policy, June 2011) online at [http://www.globalcommissionondrugs.org/wp-content/uploads/2012/03/GCDP\\_WaronDrugs\\_EN.pdf](http://www.globalcommissionondrugs.org/wp-content/uploads/2012/03/GCDP_WaronDrugs_EN.pdf) and Brightspace.

Montigny, Edgar-Andre. "Introduction" in *The Real Dope: Social, Legal and Historical Perspective on the Regulation of Drugs in Canada*. (Toronto: University of Toronto Press, 2011). pp. 3 – 24.

**PART ONE: STATE APPARATUS AND THE EXCLUSION OF “DIFFERENCE”****WEEK 2: September 14, 2023 – 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 Canadian drug regulation and its relationship to treatment of Canada's Indigenous and diverse ethnic and cultural immigrant communities.

**Readings:**

Carstairs, Catherine. (1999). “Deporting ‘Ah Sin’ to Save the White Race: Moral Panic, Racialization and the Extension of Canadian Drug Laws in the 1920s.” in *Canadian Bulletin of Medical History*, 16(1) pp.65-88.

Giffen, P.J. et al. (1991). *Panic and Indifference: The Politics of Canada's Drug Laws: a study in the sociology of law*. (Ottawa: Canadian Centre on Substance Abuse, 1991), pp. 47-101.

Mawani, R., “Mixed-Race Identity, Liquor and the Law in British Columbia, 1850-1913” in *Race, Space and the Law: Unmapping a White Settler Society*, S. Razack ed. (Toronto: Between the Lines, 2002) pp. 47-62.

**Further Reading:**

Boyd, Susan C. *Busted : an Illustrated History of Drug Prohibition in Canada* . Halifax ;; Fernwood Publishing, 2017. Print.

Carstairs, Catherine “Hop Heads: The Effects of Criminalization 1920-1945: in *Jailed for possession: illegal drug use, regulation and power in Canada, 1920-1961* (Toronto: University of Toronto Press, 2006) pp. 71-92.

Murphy, Emily F., *The Black Candle* (Toronto: T. Allen, 1922) online at <https://ia801607.us.archive.org/20/items/TheBlackCandle/MurphyBlackCandletoronto1922.pdf> and Brightspace.



**WEEK 3: September 21, 2023 - THE WAR ON DRUGS**

The War on Drugs in the United States institutionalized an essentialist state view of a prohibition only strategy towards drug control. What implications has this had on Canadian drug prohibition strategies? What does the prohibitionist approach mean for the poorest and most chronically affected drug users in Canada? Is Canada's own "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:**

Jensen, Eric et al. (2004). "Social Consequences of the War on Drugs: The Legacy of a Failed Policy." in *Criminal Justice Policy Review* 15(1) pp. 100-121.

Jensen, Eric & Jurg Gerber. (1993). "State Efforts to Construct a Social Problem: The 1986 War on Drugs in Canada." In *The Canadian Journal of Sociology* 18(4) pp. 453-462.

Lines, Rict et al., *Gaol Fever: What COVID-19 Tells us about the War on Drugs* (April, 2020), online: *Health and Human Rights Journal* < <https://www.hhrjournal.org/2020/04/gaol-fever-what-covid-19-tells-us-about-the-war-on-drugs/> >.

Moore, Dawn & Kevin Haggerty. (2001). "Bring it on Home: The Relocation of the War on Drugs." in *Social & Legal Studies* 10(3) pp. 377-395.

**Further Readings:**

Bobo, Lawrence D. and Thompson, Victor. (2006). "Unfair by Design: The War on Drugs, Race, and the Legitimacy of the Criminal Justice System" in *Social Research* 73(2) pp. 445-472.

Cardoso, Fernando Henrique. "The War on Drugs has failed. Now we need a more humane strategy". *The Guardian*. 6 September 2009. Online at <https://www.theguardian.com/commentisfree/2009/sep/06/cardoso-war-on-drugs> and Brightspace.

Cutcliffe, John R. and Saadeh, Belal (2012). "Grounded in evidence or a puritanical legacy: a critique of twenty-first century US drug Policy." in *Mental Health and Substance Use* 7(3) pp. 195-206.

Kastrenakes, Jacob. "Nobel Prize economists call for end to war on drugs." *The Verge*. 7 May 2014. Online at <https://www.theverge.com/2014/5/7/5690428/nobel-prize-winning->

[economists-call-for-end-to-war-on-drugs](#) and Brightspace.

Mitchell, Ojmarrh (2009). "Ineffectiveness, Financial Waste and Unfairness: The Legacy of the War on Drugs" in *Journal of Crime & Justice* 32(2) pp. 1-19.

#### **WEEK 4: September 28, 2023 – POLICING AND DRUGS**

Is there a systemic bias in policing which targets certain racial and/or socio-economic groups in the investigation and prosecution 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. Khan* (2004) 189 CCC (3d) 49 (Ont. SCJ) **(Brightspace)**

Cox, Robynn, and Jamein P. Cunningham. "Financing the War on Drugs: The Impact of Law Enforcement Grants on Racial Disparities In Drug Arrests." *Journal of policy analysis and management* 40.1 (2021): 191–224.

Heston Tobias and Ameil Joseph, "Sustaining Systemic Racism Through Psychological Gaslighting: Denials of Racial Profiling and Justifications of Carding by Police Utilizing Local News Media" (2020) 10:4 *Race and Justice*, 424-455

Johnson, Kevin R. "Racial Profiling in the War on Drugs Meets the Immigration Removal Process: The Case of *Moncrieffe V. Holder*." *University of Michigan journal of law reform* 48.4 (2015): 967–. Print.

Sear, Kate, *Black Lives Won't Matter Without Major Drug Law Reform* (June 2020), online: Monash University Lens a < <https://lens.monash.edu/@politics-society/2020/06/24/1380720/black-lives-wont-matter-without-major-drug-law-reform> >.

#### **Further Readings:**

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

Hannah LF Cooper (2015) War on Drugs Policing and Police Brutality, *Substance Use and Misuse*, 50:8-9, 1188-1194, DOI: 10.3109/10826084.2015.1007669

Tamari Kitossa, "Authoritarian Criminology and Racist Statecraft: Rationalizations for Racial Profiling, Carding and Legibilizing the Herd" (2020) 2:1 *Decolonization of Criminology and Justice*, 5-36.

Redmond, Helen, *Don't 'Defund' the War on Drugs – Cut It Off* (June 2020), online: *Filter Magazine* < <https://filtermag.org/war-on-drugs-police/> >.

Glover, Karen S, Miguel Penalosa, and Aaron Schlarmann. "Racial Profiling and Traffic Stops: An Examination of Research Approaches and Findings in the War on Drugs: Racial Profiling and Traffic Stops." *Sociology compass* 4.8 (2010): 605–615. Web.

Chammah, Maurice and Hanson Mark. "Policing The Future: In the aftermath of Ferguson, St. Louis cops embrace crime-predicting software." *The Verge*. 6 February 2014. Online at <https://www.theverge.com/2016/2/3/10895804/st-louis-police-hunchlab-predictive-policing-marshall-project> and Brightspace.

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.

Stokes, Larry D. (2007). "Legislative and Court Decisions That Promulgated Racial Profiling: A Sociohistorical Perspective" in *Journal of Contemporary Criminal Justice* 23(3) at pp. 263-275.

Stoud, Matt. "The Minority Report: Chicago's new police computer predicts crimes, but is it racist? Chicago police say its computers can tell who will be a violent criminal, but critics say it's nothing more than racial profiling." *The Verge*. 19 February 2014. Online at <https://www.theverge.com/2014/2/19/5419854/the-minority-report-this-computer-predicts-crime-but-is-it-racist> and Brightspace.

Thomsen, Frej Klem (2011). "The Art of the Unseen: Three Challenges for Racial Profiling" in *Journal of Ethics* 15(1 / 2) pp. 89-117.

## **WEEK 5: October 5, 2023 – INTERNATIONAL DRUG CONTROL (Outline due October 6, 2023)**

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 Mexico, the Phillipines and Afghanistan will be specifically considered and examined in detail.

### **Readings:**

Mercille, Julien. (2013) "Washington and the Afghan Drug Trade Since 2001" in *Cruel Harvest: Us Intervention in the Afghan Drug Trade* pages 81 to 104.

Javier Trevino-Rangel, Raúl Bejarano-Romero, Laura H. Atuesta & Sara Velázquez-Moreno (2022) Deadly force and denial: the military's legacy in Mexico's 'war on drugs', *The International Journal of Human Rights*, 26:4, 567-590, DOI: 10.1080/13642987.2021.1947806

Giden Lasco and Lee Edson Yarcia, "The Politics of Drug Rehabilitation in the Philippines", (2022) 24:1, *Health and Human Rights Journal*, 147-158

Sandvik, Kristin Bergtora, and Kristian Hoelscher. "The Reframing of the War on Drugs as a 'Humanitarian Crisis': Costs, Benefits, and Consequences." *Latin American perspectives* 44.4 (2017): 168–182. Web.

### **Further Readings:**

Masullo, Juan, and Davide Morisi. "The Human Costs of the War on Drugs. Attitudes towards Militarization of Security in Mexico." (2022), Web – Only pages 30-33 (Section 8, "Conclusion")

Villar, Oliver and Cottle, Drew. (2011) *Cocaine, Death Squads, and the War on Terror: U.S. Imperialism and class struggle in Columbia*. Chapters 6 and 9. (New York: Monthly Review Press, 2011).

Theorin, Britt. *Afghanistan: Time for a Changed Approach: Britt Theorin Provides a Swedish Critique of the War*. Vol. 36. New Zealand Institute of International Affairs, 2011. Print.

Ekici, Behsat (2016). "Why Does The International Drug Control System Fail?" in *All Azimuth* 5(2) pp. 63-90.

Boyd, Susan, "U.S. International Policy and the War in Columbia" in *From Witches to Crack Moms: Women, Drug Law and Policy*. (Durham: Carolina Academic Press, 2004) pages 267-304.

Fazey, Cindy. (2003). "The Commission on Narcotic Drugs and the United Nations International Drug Control Programme: Politics, Policies and Prospect for Change." in *The International Journal of Drug Policy* 14(2) pp. 155-169.

Felbab-Brown, Vanda. "Counterinsurgents in the poppy fields: drugs, wars and crime in Afghanistan" in *Peace Operations and Organized Crime* edited by James Cockayne and Adam Lupel (New York, Routledge, 2011) pp. 136-152.

Mercille, Julien. (2011). "The U.S. 'War on Drugs' in Afghanistan: Reality or Pretext?" in *Critical Asian Studies* 43(2) pp. 285-309.

Scott, Peter Dale. (2011). "Obama and Afghanistan: America's Corrupted Drug War." in *Critical Asian Studies* 43(1) pp. 111-138.

Valleriani, Jenna and MacPherson, Donald. "Why Canada is no longer a leader in global drug policy." *Globe and Mail*. 27 February 2015. Online at <https://www.theglobeandmail.com/opinion/why-canada-is-no-longer-a-leader-in-global-drug-policy/article23225460/> and Brightspace.

*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)*

## **WEEK 6: October 12, 2023 – THE REGULATION OF PHARMACEUTICALS, THE DRUG CORPORATION AND HUMAN HEALTH**

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? What are the implications for the implementation of universal pharmacare alongside Canada's system of universal medicare?

Film Excerpt: *The Corporation* (2003), Directed by Mark Achbar, Jennifer Abbott (link available in Brightspace – please watch Parts 1, 2, 3 and 5 amounting to approximately 15 minutes of view time)

### **Readings:**

*State of Oklahoma v. Johnson and Johnson et al*, (2019) Case No. CJ-2017-816

*State of Oklahoma v. Johnson and Johnson*, 2021, OK 54

British Psychological Society, (June 2011) "Response to the American Psychiatric Association: DSM-5 Development" web: <  
<https://dxrevisionwatch.files.wordpress.com/2012/02/dsm-5-2011-bps-response.pdf> >

Clarke, Juanne N., "The Medical-Industrial Complex" (Chapter 16) in *Health, Illness and Medicine in Canada* (4<sup>th</sup> ed.) (Toronto: Oxford University Press, 2004) pages 370-397.

Netherland, Julie et.al. (2016) "White opioids: Pharmaceutical race and the war on drugs that wasn't" in *Biosocieties* 12(2) pp. 217-238.

Fernando Fernandez and Dijana Zejcricovic, "The Role of Pharmaceutical Promotion to Physicians in the Opioid Epidemic" (2018) unpublished, Web, DOI: 10.13140/rg.2.2.13344.43527

### **Further Readings:**

Herzberg, David. (2017) "Entitled to Addiction? Pharmaceuticals, Race and America's First Drug War" in *Bulletin of the History of Medicine*, 91(3) pp. 586-623.

Critser, Greg. The End of the Great Buffer (Chapter Four), *Generation RX: How Prescription Drugs are Altering American Lives, Minds and Bodies* (Boston: Houghton Mifflin Books, 2005).

Lewis, Bradley E. (2003) "Prozac and the Post-human Politics of Cyborgs." in *Journal of Medical Humanities* 24 (1 / 2) pp. 49-63.

Olivieri, Nancy F. (2003) "Patients' Health or Company Profits? The Commercialisation of Academic Research" in *Science and Engineering Ethics*, Volume 9, pp. 29-41

Grosso, Joseph. "Big Pharma: a Real War Against drugs.(Painting the Wasteland Green)." *Synthesis/regeneration* (St. Louis, Mo.) 52 (2010): 2-. Print.

Mario Hernandez-Alvarez et al. "Universal health coverage and capital accumulation: a relationship unveiled by the critical political economy approach", (2020) 65:995-1001 *International Journal of Public Health*, <https://doi.org/10.1007/s00038-020-01437>

## **PART TWO: DRUG POLICY AND MORAL REGULATION**

### **WEEK 7: October 19, 2023 – 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 Brightspace)

Boyd, Jade et. al. (2018) "Gendered violence and overdose prevention sites: a rapid ethnographic study during an overdose epidemic in Vancouver, Canada" in *Addiction* 113(12) pp. 2261-2270.

Lefebvre, Cory, Lauren Crosby, and Adam Kovacs-Litman. "Inside Insite." *University of Western Ontario Medical Journal* 85.2 (2016): 60–62. Web.

Walks, Emani. "The Paradox of Policing as Protection: A Harm Reduction Approach to Prostitution Using Safe Injection Sites as a Guide." *Duke Journal of Gender Law & Policy* 26.2 (2019): 157–180. Print.

Press Release, Government of Canada, "Exemption from Controlled Drugs and Substances Act: Personal possession of small amounts of certain illegal drugs in British Columbia (January 31, 2023 to January 31, 2026), May 31, 2022, Web.

### **Further Readings:**

City of Vancouver, "Submission on Thresholds: Request for an exemption from the Controlled Drugs and Substances Act (CDSA) pursuant to section 56(1) that would decriminalize personal possession of illicit substances within City of Vancouver", April 8, 2021, Web.

City of Toronto, "Exemption Request: Request for exemption to the Controlled Drugs and Substances Act to allow for the possession of drugs for personal use in Toronto, Submission to Health Canada", January 4, 2022. (Pages 5 to 27)

Susan Boyd, and Donald MacPherson. "The Harms of Drug Prohibition: Ongoing Resistance in Vancouver's Downtown Eastside." *BC studies* 200 (2019): 87–308. Print

Maynard, Russ, and Ehsan Jozaghi. "The Drug War Must End: The Right to Life, Liberty and Security of the Person During the COVID-19 Pandemic for People Who Use Drugs." *Harm reduction journal* 18.1 (2021): 21–2. Web.

Susan Boyd, and Donald MacPherson. "The Harms of Drug Prohibition: Ongoing Resistance in Vancouver's Downtown Eastside." *BC studies* 200 (2019): 87–308. Print.

Nguyen, Alex, *Drug Decriminalization is a 'no-brainer' during COVID-19, say advocates* (May 2020), online: *Ricochet: Public Interest Journalism* < <https://ricochet.media/en/3149/drug-decriminalization-is-a-no-brainer-during-covid-19-say-advocates> >.

Duffy, Andrew. (2017). "Majority of Ottawa residents in favour of safe injection site: poll." *Ottawa Sun*. 18 January 2017. Online at <http://www.ottawasun.com/2017/01/18/majority-of-ottawa-residents-in-favour-of-safe-injection-site-poll> and Brightspace.

Fafard, Patrick. (2012). "Public Health Understandings of Policy and Power: Lessons from Insite." in *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 89(6) pp. 905-912.

Greenfield, Victoria and Paoli, Letizia (2012). "If Supply-oriented drug policy is broken, can harm reduction help fix it? Melding disciplines and methods to advance international drug control policy" in *International Journal of Drug Policy* 23(1) pp 6 - 15.

Hathaway, Andrew D. and Tousaw, Kirk I. (2008). "Harm Reduction Headway and Continuing Resistance: Insights from Safe Injection in the City of Vancouver." in *The International Journal of Drug Policy* 19(1) pp. 11-16

Hyshka, Elaine et. al. (2010) "Prospects for Scaling Up Supervised Safe-Injection Facilities in Canada: The Role of Evidence in Legal and Political Decision-Making." in *Addiction Policy Case Studies* 108(3) pp. 468-476.

### **October 23 - 27, 2023: FALL BREAK, NO CLASSES**

#### **WEEK 8: November 2, 2023 – DRUG USERS (Critical Response Paper Due November 3, 2023)**

What are the social, economic and personal factors that 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:**

Cooper, Hannah L.F. et al. "Dismantling War on Drugs Policies in COVID-19's Aftermath."



American journal of public health (1971) 112.1 (2022): S24–S27. Web.

Logan, Enid. (1999). “The Wrong Race, Committing Crime, Doing Drugs and Maladjusted for Motherhood: The Nation’s Fury Over Crack Babies.” in *Social Justice*, 26(1) pp. 115-139

Murch, Donna, “Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs”, (2015) 120:1 *Journal of American History*, 162-173.

Smith, Earl and Hattery, Angela J. (2010). “African American Men and the Prison Industrial Complex” in *Western Journal of Black Studies* 34(4) pp. 387-398.

Daniel Eisenkraft Klien and Joana Madureira Lima, “The Prison Industrial Complex as a Commercial Determinant of Health” (2021) 111:10, *American Journal of Public Health*, 1750 – 1752

### **Further Reading:**

Harm Reduction International, COVID-19, Prisons and Drug Policy: Global Scan – March-June 2020” (July, 2020), online at: < <https://www.hri.global/covid-19-prison-diversion-measures> >.

Rose M. Brewer and Nancy A. Heitzeg, “The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism and the Political Economy of the Prison Industrial Complex” (2008) 51:5 *American Behavioural Scientist*, 625-644.

Bourgeois, Phillippe. (2003). “Crack and the Political Economy of Social Suffering.” in *Addiction and Research Theory* 11(1) pp. 31-37.

Cummings, Andre Douglas Pond. (2012). “All Eyez On Me: America’s War on Drugs and the Prison-Industrial Complex.” in *The Journal of Gender, Race & Justice* 15 (2 / 3) pp. 417-448.

Hawks L. Woolhandler S, McCormick D. COVID-19 in Prisons and Jails in the United States. *JAMA Intern Med.* 2020;180(8):1041–1042 online at < [https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2765271?questAccessKey=28963da0-10ad-4844-8038-672623cfffdbd&utm\\_source=silverchair&utm\\_campaign=jama\\_network&utm\\_content=covid\\_weekly\\_highlights&utm\\_medium=email](https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2765271?questAccessKey=28963da0-10ad-4844-8038-672623cfffdbd&utm_source=silverchair&utm_campaign=jama_network&utm_content=covid_weekly_highlights&utm_medium=email) >.

Radosh, Polly F. (2008). “War on Drugs: Gender and Race Inequities in Crime Control Strategies.” in *Criminal Justice Studies* 21(2) pp. 168-178.

Reynolds, MaryLee. (2008). “The War on Drugs, Prison-Building and Globalization: Catalysts for the Global Incarceration of Women.” in *NWSA Journal* 20(2) pp. 72-95.

**WEEK 9: November 9, 2023 – INDIGENOUS RIGHTS AND DRUG PROHIBITION**

The issue of Indigenous populations and drug control regimes, both international and domestic, have become headline news in recent years. When Bolivia took the step to withdraw from the 1961 *Single Convention on Narcotic Drugs* on January 1, 2012 in order to restore coca leaf chewing as part of their indigenous customs and traditions, the question of whether there is a normative conflict between international drug control regimes and indigenous rights took center stage.

Here in Canada we have an historically strong criminal justice approach to the issue of problematic substance use on Canadian reserves or within Indigenous populations in our cities. Is criminalization the appropriate response under these circumstances? What role does Indigenous history and culture play within this complex conversation, both within Canada and on the international stage? What can Canada learn from international developments?

**Readings:**

Burger, Julian and Kapron, Mary. (2017) "Drug Policy and Indigenous Peoples" in *Health and Human Rights Journal* 17(1) pp. 269-278.

Carling, Amanda and Mankani, Insiya, *Systemic Inequities Increase COVID-19 Risk for Indigenous People in Canada: Challenges Include Barriers to Healthcare, Adequate Housing and Resources* (June 2020) online: Human Rights Watch < <https://www.hrw.org/news/2020/06/09/systemic-inequities-increase-covid-19-risk-indigenous-people-canada> >.

First Nations Health Authority, *Covid-19 Pandemic Sparks Surge in Overdose Deaths This Year*, (July, 2020) online: First Nations Health Authority < <https://www.fnha.ca/about/news-and-events/news/covid-19-pandemic-sparks-surge-in-overdose-deaths-this-year> >.

Hernández Castillo, Rosalva Aída. "Racialized Geographies and the 'War on Drugs': Gender Violence, Militarization, and Criminalization of Indigenous Peoples." *The journal of Latin American and Caribbean anthropology* 24.3 (2019): 635–652. Web.

Urbanoski, Karen A. (2017) "Need for Equity in Treatment of Substance Use Among Indigenous People in Canada" in *CMAJ*, November 6, 2017; 189:E1350-1.

**Further Readings:**

Cao, Liquin et al. (2018) "Correlates of Illicit Drug Use Among Indigenous Peoples In Canada: A Test of Social Support Theory" in *International Journal of Offender Theory and Comparative Criminology* 62(15) pp. 4510-4527.

**PART THREE: CRIMINALIZATION AS A TOOL OF NORMALIZING BEHAVIOUR****WEEK 10: November 16, 2023 – DRUGS AND CRIME**

Is there a positive causal link 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:**

Bennett, Trevor and Holloway, Katy, "The Nature of the Solution" in *Understanding Drugs, Alcohol and Crime*. (Berkshire: Open University Press, 2005) pages 147-158.

Travis Linnemann, "Mad Men, Meth Moms, Moral Panic: Gendering Meth Crimes in the Midwest" (2010) 18:95-110, *Critical Criminology*, 95-110, DOI 10.1007/s10612-009-9094-8

Michael P. Cameron, "The relationship between alcohol outlets and crime is not an artefact of retail geography", (2022), 2022:117, *Addiction*, 2215-2224, DOI: 10.1111/add.15880

Broseus, J et al (2016). "Studying illicit drug trafficking on Darknet markets: Structure and organization from a Canadian perspective" in *Forensic Science International*, vol. 264 pp.7-14.

**Further Readings:**

Mark Simpson, "The relationship between drug use and crime: a puzzle inside an enigma", (2003) 14:1 *International Journal of Drug Policy*, 307-319

Grant, Judith. (2009). "A Profile of Substance Abuse, Gender, Crime and Drug Policy in the United States and Canada" in *Journal of Offender Rehabilitation*, 48(8) pp. 654-668.

Robinson, Matthew and Scherlen, Renee. *Lies, Damned Lies and Drug War Statistics: A Critical Analysis of Claims Made by the Office of National Drug Control Policy*. (New York: State University of New York Press, 2007). Chapters 1 and 8.

Morselli, Carlo et. al. (2016). "It Came From The North: Assessing The Claim of Canada's Rising Role As A Global Supplier of Synthetic Drugs" in *Crime Law Soc Change*, vol. 66, pp.

247-270.

## **WEEK 11: November 23, 2023 – 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 judicial sentencing. 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? Do Drug Treatment Courts provide a viable alternative to traditional sentencing principles that can provide flexibility and meet the classic sentencing principles such as denunciation and rehabilitation in a realistic, meaningful manner?

### **Readings:**

Allard, Patricia et al. "Impaired Judgement: Assessing the Appropriateness of Drug Treatment Courts as a Response to Drug Use in Canada". Canadian HIV/AIDS Legal Network, 2011.

Department of Justice Canada, (2021) *Drug Treatment Court Funding Program*, < <https://justice.gc.ca/eng/fund-fina/gov-gouv/dtc-ttt.html> > and Brightspace.

Moore, Dawn (2011). "Spatio-Therapeutics: Drug Treatment Courts and Urban Space" in *Social and Legal Studies* 20(2) pp. 157-172.

Lyons, Tara (2013). "Judges as therapists and therapists as judges: the collision of judicial and therapeutic roles in drug treatment courts." In *Contemporary Justice Review*, 16(4) pp. 412-424.

Weinrath, Michael et. al. (2018) "Assessing Drug Treatment Court: Do Age, Race or Gender Matter?" in *Australian & New Zealand Journal of Criminology*, 51(4), pp. 619-637.

### **Further Reading:**

Chiodo, Anida. (2002). "Sentencing Drug-Addicted Offenders and the Toronto Drug Treatment Court." in *Criminal Law Quarterly* 45(1/2) pp. 53-100.

Fisher, Benedikt et al. (2002). "Compulsory Drug Treatment in Canada: Historical Origins and Recent Developments." in *European Addiction Research* 2002(8) pp. 61-68.

Moore, Dawn. (2009) "The Drug Treatment Court Movement." in *Perspectives From North America, Centre for Crime and Justice Studies* 75 (March 2009) pp 30 – 31.

**WEEK 12: November 30, 2023 – THE LEGALIZATION OF MARIJUANA**

Twenty years ago, marijuana was decriminalized for medicinal purposes by the Canadian Courts pursuant to section 7 of the Charter. The federal government under the Trudeau administration subsequently legalized the drug in 2017 – the first Western Industrialized country to do so. Legalization was carried out specifically to implement a harm reduction approach while simultaneously protecting youth and undermining organized crime. Have these goals been accomplished? What advantages or disadvantages does legalization have in comparison to decriminalization in this context?

**Readings:**

*R. v. Parker* 2000 O.J. 2787 (C.A.). (Available on Brightspace)

*R. v. Allard*, 2016 FC 236. (Available on Brightspace)

*Cannabis Act* (S.C. 2018, c16) sections 8 to 15

Crépault, Jean-François, Jürgen Rehm, and Robin Room. "Legalization as More Effective Control? Parallels Between the End of Alcohol Prohibition (1927) and the Legalization of Cannabis (2018) in Ontario, Canada." *The International journal of drug policy* 97 (2021): 103367–103367. Web.

Marlan, Dustin, "Beyond Cannabis: Psychedelic Decriminalization and Social Justice" (2019) 23:3 *Lewis & Clark L Rev* 851.

Wang, Karina et al. "Predictors of Medical Students' Perceptions of Psilocybin-Assisted Therapy for Use in Medical Practice." *Curēus* (Palo Alto, CA) 15.4 (2023): e37450–e37450. Web.

**Further Reading:**

*R. v. Clay* [2003] 3 SCR 735. (Available on Brightspace)

Devillaer, Michael. "Cannabis Legalization: Lessons from Alcohol, Tobacco and Pharmaceutical Industries" in *High Time: The Legalization and Regulation of Cannabis in Canada* (Montreal: McGill-Queen's University Press, 2019) pp.182-208.

Habibi, Roojin and Hoffman, Steven J, "Cannabis Legalization Is the Inconvenient Test of Canada's Commitment to the Rule of International Law and a Rules-Based World Order" in *High Time: The Legalization and Regulation of Cannabis in Canada* (2019: McGill-Queen's University Press, Montreal) pp.205-217.

NewsRx. New Marijuana Laws Study Results from Institute for Mental Health Policy Research

Described (Assessing the public health impact of cannabis legalization in Canada: core outcome indicators towards an 'index' for monitoring and evaluation). *Health & Medicine Week*. August 2, 2019; p 3487.

Anderson, D. Mark, Hansen, Benjamin, Rees, Daniel, et al. (2019) "Association of Marijuana Laws With Teen Marijuana Use: New Estimates From the Youth Risk Behavior Surveys" in *JAMA Pediatrics* 173(9) pp. 879-881.

Bewley-Taylor, David R. (2018). "Canada, Cannabis Legalization and Uncertainty Around the United Nations Drug Control Conventions" in *Addiction* 113 pp. 1126-1127.

Kalant, Harold (2016). "A critique of cannabis legalization proposals in Canada" in *International Journal of Drug Policy* 34 pp. 5-10.

Lam, Helen. (2019) "Marijuana Legalization in Canada: Insights for Workplaces from Case Law Analysis" in *Industrial Relations* 74(1) pp. 39–65.

NewsRx. New Marijuana Laws Study Results from Institute for Mental Health Policy Research Described (Assessing the public health impact of cannabis legalization in Canada: core outcome indicators towards an 'index' for monitoring and evaluation). *Health & Medicine Week*. August 2, 2019; p 3487.

Howard, Jacqueline, *Recreational marijuana legalization tied to decline in teens using pot* (July 2019) online: CNN Health < <https://edition.cnn.com/2019/07/08/health/recreational-marijuana-laws-teens-study/index.html> >.

Husak, Douglas. *Legalize This! The Case For Decriminalizing Drugs*. (New York: Verso, 2002) pages 125-151.

Stillman, Jacob, "Is Legalization a War on Drugs by the Back Door?" in *High Time: The Legalization and Regulation of Cannabis in Canada* (2019: McGill-Queen's University Press, Montreal) pp.99-113.

**WEEK 13: December 7, 2023 – REVIEW CLASS - Attendance Optional**

**FINAL PAPER DUE December 8, 2023 @ 11:59PM VIA BRIGHTSPACE**

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## **DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

## **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: <https://carleton.ca/registrar/academic-integrity/>.

## **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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

### **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 [click here](#).

### **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](mailto: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). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.