
COURSE:	LAWS 4303B – Drugs, The User and The State
TERM:	FALL 2020
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and 0.5 credit from LAWS 2301 or LAWS 2302, and Fourth-Year Honours Standing
CLASS:	Day & Time: All Courses in the Fall 2020 term are offered online.
	Room: Lectures in this course will be delivered “live”, online during our regularly scheduled class time using the Zoom conferencing platform
INSTRUCTOR: (CONTRACT)	Kourosh Farrokhzad-Naraghi
CONTACT:	Office: Online via Zoom Meeting or via Telephone
	Office Hrs: Mondays 6:05pm to 8:55pm
	Telephone: 613-809-7871 (Cell or SMS Text)
	Email: kourosh.farrokhzad@carleton.ca

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.

After nearly a century of prohibition, Prime Minister Justin Trudeau made 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. Meanwhile, the challenges presented by COVID-19 are straining government resources and exposing major

inequities in Canadian drug law and policy. 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.

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 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 – this means that I don't typically respond to emails on weekends);
- 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

Due to the online nature of the course, all required reading material will be available through the ARES / Carleton Library system and fully available online via cuLearn. 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) will also be available through the cuLearn "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 cuLearn (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 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

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	15% (through attendance in zoom meetings and, where applicable, via online forums)
Reading Responses	5% [3 assignments (1-2 pages each) due Week 3, 7 and 11 via cuLearn]
Outline for Term Paper	10% (due: October 17, 2020 via cuLearn)
Critical Response Assignment	15% (due: November 7, 2020 via cuLearn)
Term Paper	55% (due: Due December 7, 2020 via cuLearn)

Explanation of Evaluation Methodology:***Class Participation******Value: 15%***

This course is founded upon participation, which means that the course will largely be presented in a “synchronous” format, although there will be “asynchronous” methods for participation as well including chat forums where appropriate. Since this course is being offered completely online this semester, all lectures and class discussions will be presented through Zoom videoconferencing software. *Owing to some of the difficulties inherent to online learning, the expectations for*

attendance online will be altered to two hours of synchronous learning per class with the first segment running 60 minutes and the second segment running for 45 minutes subsequent to a 15-minute break.

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 and 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.

It goes without saying that certain unanticipated realities and limitations inherent in videoconferencing technology will be kept in mind when evaluating attendance as unexpected / unanticipated technological interruptions or glitches. For this reason, each week will also have a respective "online forum" on cuLearn where students who could not attend during the online class 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.

Reading Responses

**Value: 5% (Due prior to the start of class on
Week 3, Week 7 and Week 11)**

This assignment will require you to provide a very short Reading Response for one reading selected from the assigned readings (one to two pages, maximum) to be uploaded digitally to cuLearn prior to the start of class on Weeks 4, 7 and 11 respectively. A Reading Response is not a summary of your reading. A Reading Response is a way of writing about your thinking about the reading, or your reaction(s) to a reading. A Reading Response is not a formal paper, but should be well thought-out, fully developed, and carefully written, nevertheless. It should demonstrate not only that you have carefully read the text (more than one time), but also that you have thought carefully about the text and engaged with it in some way.

An effective Reading Response will demonstrate that you have thoroughly read and understood the reading (or that you ask questions that reveal careful reading). It might develop connections between the reading and the themes of the course or discussions we've had in class or lectures and demonstrate that you have considered the implications of the readings. It may suggest questions for class discussion.

You can of course always use personal reflection or personal engagement as a way of doing a reader response, but remember it's not always about how it makes you feel. Instead, you can reflect on how your own personal experience created meaning for you when you engaged with this text. Did the reading reflect or challenge your own values and assumptions, and how so?

Outline for Term Paper: Value: 10% (due October 17, 2020 at 11:59pm via cuLearn)

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 7, 2020 at 11:59pm via cuLearn)

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: 55% (due December 11, 2020 at 11:59pm 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.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The general late penalty for assignments is set at 5% per day late. 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

Many thanks to Emily Blackwell for her invaluable assistance in updating this outline during such an unprecedented time.

WEEK 1: September 14, 2020 - 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.

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.

Further Readings:

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 and cuLearn.

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

PART ONE: STATE APPARATUS AND THE EXCLUSION OF "DIFFERENCE"**WEEK 2: September 21, 2020 – 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 Indigenous and diverse ethnic and cultural immigrant communities.

Readings:

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.

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.

Further Reading:

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.

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 cuLearn.

WEEK 3: September 28, 2020 - 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:

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.

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.

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.

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.

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/> >.

Further Readings:

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.

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 cuLearn.

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 cuLearn.

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: October 5, 2020 – 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. Khan (2004) 189 CCC (3d) 49 (Ont. SCJ) **(cuLearn)**

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> >.

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 cuLearn.

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

Further Readings:

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 cuLearn.

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

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

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.

WEEK 5: October 19, 2020 – INTERNATIONAL DRUG CONTROL (Outline due October 17, 2020)

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:

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).

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

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.

Further Readings:

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.

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.

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

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

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.

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 cuLearn.

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

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: November 2, 2020 – 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?

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

Reading:

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

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.

Further Reading:

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

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

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).

February 17 – 21, 2020: FALL BREAK, NO CLASSES**PART TWO: DRUG POLICY AND MORAL REGULATION****WEEK 7: November 9, 2020 – HARM REDUCTION
(Critical Response Paper Due November 7, 2020)**

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)

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

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.

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> >.

Further Reading

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

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 cuLearn.

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.

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.

WEEK 8: November 16, 2020 – 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:

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

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

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.

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>

Further Reading:

Hawks L, Woolhandler S, McCormick D. COVID-19 in Prisons and Jails in the United States. *JAMA Intern Med.* 2020;180(8):1041–1042. doi:10.1001/jamainternmed.2020.1856 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 >.

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.

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 23, 2020 – 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?

Reading:

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

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.

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> >.

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> >.

Further Reading

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 30, 2020 – DRUGS AND CRIME

Something updated and directly related to drugs and crime along the line of Helene

White's research (no evidence of causation, but rather correlation)

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:

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

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.

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

Further Reading:

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.

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

WEEK 11: December 7, 2020 – 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? 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.

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

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

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

Further Reading:

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

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

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: ** CLASSES FOLLOW A MONDAY SCHEDULE ** December 11, 2020 – THE 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. Was the criminalization of marijuana historically justifiable? What was the impact of decriminalizing marijuana for medicinal purposes in Canada twenty years ago? Marijuana was completely legalized in 2017 in Canada – has legalization been effective in protecting society from harm? Is the Government of Canada correct in law and policy as it prepares to legalize marijuana in the summer of 2018?

Readings:

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

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

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

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

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.

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.

Further Reading:

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

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> >.

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.

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

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.

Liberal Party of Canada (BC) Standing Policy Committee. (2013). "Legalization of Marijuana: Answering Questions and Developing A Framework." Draft, January 2013. (Available on cuLearn)

Task Force on Cannabis Legalization and Regulation, *A Framework for the Legalization and Regulation of Cannabis in Canada* (Final Report) (Ottawa: Government of Canada, 2016). (Available on cuLearn)¹

Kirkup, Kristy, "Ottawa urged to withdraw from UN drug treaties ahead of pot legalization", *The Globe and Mail* (2 June 2017), online at <https://www.theglobeandmail.com/news/national/ottawa-urged-to-withdraw-from-un-drug-treaties-ahead-of-pot-legalization/article35185924/> and cuLearn.

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.

FINAL PAPER DUE: December 11, 2020 at 11:59pm

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

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/>

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 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/studentssupport/svpolicy/>

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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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: <https://carleton.ca/law/current-students/>