

Course Outline

---

<b>COURSE:</b>	<b>LAWS 4303C – Drugs, The User and The State</b>
<b>TERM:</b>	<b>WINTER 2020</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: Thursday 11:35am – 2:25pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Kourosch Farrokhzad-Naraghi</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building (Contract Instructor's Office)</b> <b>Office Hrs: Thursdays 3:00pm to 5:00pm</b>  <b>Telephone: 613-809-7871 (Cell or SMS Text)</b> <b>Email: kourosch.farrokhzad@carleton.ca</b>

---

**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. Canada is engaged in a war to restore law and order in Afghanistan and yet the flow of the illegal opium trade internationally has reached levels far exceeding that under the Taliban regime. After nearly a century of prohibition, Prime Minister Justin Trudeau has made headlines on the Canadian Government's concentrated effort to legalize marijuana from coast to coast to coast. Meanwhile 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. What do these occurrences have in common?

In this course we attempt to make sense of the Canadian state's historical and contemporary efforts to control drugs and drug users by exploring different aspects of drug control through ideological and institutional state apparatuses. The purpose of this course is to encourage students to think critically about both Canadian and International experiences in drug control.

We explore different forms of drug control, looking at the role of both criminal and administrative law in attempts to regulate substances. Students will be encouraged to challenge common discourses around drugs by thinking through developments in drug control from social, cultural, legal, political, economic and international standpoints.

### **REQUIRED TEXTS**

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

### **SUPPLEMENTARY TEXTS**

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

### **EVALUATION**

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

#### **Evaluation Scheme:**

Class Participation	15%
In-Class Facilitation	10% (date to be assigned in class)
Outline for Term Paper	10% (due: <b>February 16, 2020</b> )
Critical Response Assignment	10% (due: <b>March 19, 2020</b> )
Term Paper	55% (due: <b>Due April 7, 2020</b> )

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

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

**In-Class Facilitation****Value: 10%**

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

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

**Outline for Term Paper: Value: 10% (due February 16, 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: 10% (due March 19, 2020 at 11:59pm via cuLearn)**

This assignment will involve writing a short summary and analysis (approximately 3-5 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 engagement with a topic that especially interests you. No other sources are expected to be used in the writing of this paper.

**Term Paper: Value: 55% (due April 7, 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, this is no longer the case. Topics are completely open, which means that you are free to write on any issue or subject-matter as long as it relates to the core themes of this course, with a minimum of fifteen bibliographic sources. I would encourage each student to speak with me about her or his selected topic before beginning the outline as all topics must be finalized by the instructor at this stage.

**SCHEDULE**

**WEEK 1: January 9, 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](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: January 16, 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.

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:**

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.

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: January 23, 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.

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.

**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: January 30, 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. Curry* 2005 CanLII 32191 (ON C.A.)

*R v. Khan* (2004) 189 CCC (3d) 49 (Ont. SCJ) **(cuLearn)**

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

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.

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.

**Further Readings:**

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

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: February 6, 2020 – INTERNATIONAL DRUG CONTROL**

We examine the role of international conventions with respect to drug control and how these obligations translate into domestic and foreign policy. The case studies of Columbia and Afghanistan will be specifically considered.

**Readings:**

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. (2012) "Washington and the Afghan Drug Trade Since 2001" in *Cruel Harvest: Us Intervention in the Afghan Drug Trade* pages 81 to 104.

### **Further Readings:**

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: February 13, 2020 – THE REGULATION OF PHARMACEUTICALS, THE DRUG CORPORATION AND HUMAN HEALTH (Outline due February 16, 2020)**

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* (4<sup>th</sup> 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.

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

### **Further Reading:**

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: February 27, 2020 – HARM REDUCTION**

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

### **Readings:**

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

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.

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.

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.

### **Further Reading**

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.

### **WEEK 8: March 5, 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.

**Further Reading:**

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: March 12, 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.

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.

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.

**PART THREE: CRIMINALIZATION AS A TOOL OF NORMALIZING BEHAVIOUR**

**WEEK 10: March 19, 2020 – DRUGS AND CRIME (Critical Response Paper Due)**

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:**

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.

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:**

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: March 26, 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 Review*, 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: April 2, 2020 – DECRIMINALIZATION AND PROPOSED LEGALIZATION OF MARIJUANA**

Two hundred years ago, the production of cannabis sativa was encouraged in North America and promoted as a rotational crop. With the advent of Mexican immigration to the United States in the 1920s, attitudes towards marijuana changed throughout North America and its use and possession became criminalized. Was the criminalization of marijuana historically justifiable? Was the regulatory exception for use of marijuana for medicinal purposes a sufficient response? Have current laws legalizing marijuana in Canada 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)

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.

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.

### **Further Reading:**

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

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

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)

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: APRIL 7, 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 Equity Services website:

#### **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](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 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) [www.carleton.ca/pmc](http://www.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:* <http://carleton.ca/studentaffairs/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: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

### **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. <http://carleton.ca/law/current-students/>