

**Department of Law and Legal Studies
Carleton University**

LAWS 3005 A: Law and Regulation

Fall 2013

Mondays: 11:35-14:25
Room: Please check Carleton Central
for current room location

Instructor: Chris Hurl
Office location: Loeb B442
Office hours: Mondays, 14:30-15:30
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COURSE DESCRIPTION.

Modern society is not just governed by formal laws. Beyond the juridical sphere, a multitude of rules and regulations are created and enforced through other modes of authority. Doctors, social workers, civil engineers and city planners all play a central role in the governance of social life. This course will interrogate the complex connections between these different kinds of authority with a focus on urban space. Highlighting the competing ways in which legal, medical, planning, and policing knowledges have been used to shape the city and its citizens, we will examine a complex web of rules touching on everything from zoning and industrial pollution to jaywalking and homelessness. We will focus on the role that law plays in the marginalization and exclusion of certain groups and individuals from the urban environment. For instance, how do city bylaws target homeless people in the regulation of public spaces? And to what extent is individual mobility restricted by the physical design of the city? The course will focus on Ottawa as an area of investigation, critically interrogating the relationship between law and regulation through research on social issues in the city.

COURSE FORMAT

The course will be organized in a lecture format. Final assignments will be based on student investigations of law and regulation in the urban environment, with an emphasis on the city of Ottawa.

READINGS

All articles are in the course pack, unless marked otherwise. The course pack can be purchased at Haven Books (43 Seneca Street on Sunnyside). In addition, the texts marked **(R)** will be placed on reserve in the library.

In order to follow the lectures and contribute to informed discussion on these issues, **you are required to have completed the assigned readings before class.**

EVALUATION

Short-Assignment 1	10%	3-4 pages	October 7
Short-Assignment 2	20%	4-5 pages	November 4
Proposal	20%	2-3 pages + Annotated Bib.	November 18
Final Paper	40%	12 pages	December 13
Participation	10%	attendance, active participation	

Assignment 1 – Law and Regulation in the City

The city is not simply governed under a single legal framework. In fact, there are a wide array of different regulatory actors that assume responsibility for the governance of urban space. You will prepare a short 3-4 page (double-spaced) paper that examines the intersection of legal and regulatory practices at a specific site in the city. Drawing on a location of your choice, explain how this space is framed as problematic. What different regulatory agents come into play, and how do they advance different strategies in attempting to govern the space? You will not be expected to conduct extensive research for this paper; rather the aim will be to achieve conceptual clarity in examining the law's place in a broader process of urban governance.

Assignment 2 – Law and the Police Power

The Broken Windows theory has argued that the proper object of the police should be to target disorder rather than enforcing the law. Drawing on at least three readings from the coursepack, explore the relationship between order maintenance and law enforcement in an urban context. To what extent are these two forms of governance complementary? To what extent do you think that they conflict? Illustrate your argument by critically examining a case in which individual rights are infringed upon in securing urban order.

Research Proposal

You will prepare a research proposal that examines a specific urban issue discussed in class – such as gentrification, homelessness, sex work, drug use, or the regulation of protests. The research proposal will consist of four parts:

- i) Research Question (20%)
You will formulate a clear and concise research question that draws on the themes that we have been discussing in the course.
- ii) Annotated Bibliography (35%)
You will prepare an annotated bibliography which should consist of at least five books or articles related to your research question that are not included on the list of assigned readings. You will include a short paragraph of at least three sentences, explaining the central thesis of the book or article in question and a discussion of how the article will contribute to your overall argument.
- iii) Research Proposal (45%)
You will prepare a 2-3 page (double-spaced) proposal which outlines your research project. The purpose of this proposal is not to demonstrate your knowledge of a particular subject so much as it should provide a roadmap for research on a specific issue.

Research Essay

The final assignment is a research essay that should be no longer than 12 pages (double spaced). Drawing from course readings and classroom discussion, the essay should examine a specific urban issue that has been touched on in the course – including gentrification, homelessness, sex work, drug use, or the regulation of protests. You are expected to engage in primary research, which can include analysis of texts (newspaper articles, government documents, websites of urban developers or reports by civil society organizations) and observation of urban spaces (including photographs and journal entries).

The research paper will be evaluated based on: 1) the overall quality of your research; 2) the clarity of your thesis; 3) the organization and logical development of your arguments; 4) your use of data and sources; 5) your critical thinking and analytical skills; 6) your analysis of the topic in the context of the key concepts discussed in class and in the readings; 7) your writing style; and 8) your proper use of references (citations, bibliography).

Participation

Your participation grade is based on a combination of attendance and active participation, demonstrating that you have critically engaged with the issues discussed in the readings and lectures.

SUBMISSION PROTOCOL

Assignments are due at the beginning of class. You are responsible for keeping draft copies of your work as well as your research notes until your paper is marked and returned to you.

No electronic copies of your assignments will be accepted.

GRADES

In accordance with the Carleton University Undergraduate Calendar (p. 45), the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 57-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50			

WDN = Withdrawn from the course

Final grades are subject to the Dean's approval.

LATE PAPERS

Late assignments will be penalized 10% for each day (or fraction thereof) past the due date that they are received (including weekends). Note that while assignments

submitted more than 6 days past the due date will be corrected, a mark of 0 will be assigned.

If you cannot complete an assignment on time because you are ill, you need to submit a doctor's note accounting for the time lost due to illness. Extensions will only be granted upon the submission of a written application which sets out the basis for the request.

ACADEMIC REGULATIONS, ACCOMMODATIONS, PLAGIARISM, ETC.

University rules regarding registration, withdrawal, appealing marks, and anything else you might need to know can be found on the university's website, here:

<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

Requests for Academic Accommodations

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

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

What are the Penalties for Plagiarism?

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

What are the Procedures?

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and/or departmental chairs.

The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

Students are expected to familiarize themselves with and follow the Carleton University Student Academic Integrity Policy (See <http://www2.carleton.ca/graduate-studies/policies-and-guidelines>).

Assistance for Students

Student Academic Success Centre (SASC): www.carleton.ca/sasc

Writing Tutorial Services: www.carleton.ca/wts

Peer Assisted Study Sessions (PASS): www.carleton.ca/sasc/pass_home/index.html

SCHEDULE AND READINGS

[*] – available on cuLearn. Everything else is available in the coursepack.

Sept 9 Introduction

Sept 16 Law and Society

- Silbey, Susan. (2002). "Law and society movement," In Herbert Kritzer (ed), *Legal Systems of the World*, Vol. 2. Santa Barbara: ABC CLIO, pp. 860-863.*
[<http://web.mit.edu/ssilbey/www/pub.html>].
- Vago, Steven (2011). Chapter 1. From *Law and Society*, (R). Toronto: Pearson, pp. 1-24.
- Comack, Elizabeth. (1999). 'The Marxist Approach' and 'The Feminist Frameworks', In Banfield, Jane and Dorathy L Moore (eds), *Readings in law and society*, Captus Press, pp. 67-77.

Sept 23 Law as Governance

- Hunt, Alan. (1993). "Law as a Constitutive Mode of Regulation," From *Explorations in Law and Society*, pp. 301-333.
- Delaney, David, Richard Ford and Nicholas Blomley. (2001). "Where is law," In *The Legal Geographies Reader*, pp. xiii-xxii.
- Chappell, Ben. (2010). "Custom Contestations: Lowriders and Urban Space," *City and Society*, 22(1): 25-47.*

Sept 30 The Law and the Police Power

- Dubber, Markus. "Introduction" and "Police as *Patria Potestas*," From *The Police Power*, pp. xi-xvi; 3-11.
- Novak, William. "Governance, Police, and American Liberal Mythology," From *The People's Welfare*, pp. 1-18.
- Hunt, Alan. "Policing and the Regulation of Traffic," In *The New Police Science*, pp. 168-184.
- Wilson, James Q. And George L. Kelling. (1982). "Broken Windows," *Atlantic Monthly*.
- [<http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>]*

FIRST SHORT ASSIGNMENT IS DUE ON OCTOBER 7

Oct 7 The Emergence of the "Urban Problem"

- Gregory, Derek. (2005). "The Chicago School," From *The Dictionary of Human Geography*, Fifth Edition, pp. 78-79.
- Burgess, Ernest. (1925). "The Growth of the City: An Introduction to a Research Project," pp. 71-78.*
- Valverde, Mariana. (2011). "Seeing Like a City: The Dialectic of Modern and Premodern Ways of Seeing in Urban Governance," *Law and Society Review*, 45(2): 277-311.*
- Anderson, Kay. (1987). "The Idea of Chinatown: The Power of Place and Institutional Practice in the Making of a Racial Category," *Annals of the Association of American Geographers*, 77(4): 580-598.*

Oct 14 Thanksgiving Holiday – No Class**Oct 21 Neoliberalism and the Militarization of Urban Space**

- Davis, Mike. (1998). "Beyond Blade Runner," From *The Ecology of Fear*, pp. 359-422.

Oct 28 Fall Break (No Class)

SECOND SHORT ASSIGNMENT IS DUE ON NOVEMBER 4

Nov 4 Neoliberalism, Property and Gentrification

- Ruppert, Evelyn R. (2006). "The Secure City," From *The Moral Economy of Cities*, pp. 41-89.
- Blomley, Nicholas. (2001). "Landscapes of Property," In *The Legal Geographies Reader*, pp. 118-129.

Nov 11 Homelessness and the Uses of Sidewalks

- Jacobs, Jane. (1961). "The uses of sidewalks: safety", From *The Death and Life of Great American Cities*, pp. 106-111.
- "Introduction" and "Chapter 4", In Joe Hermer and Janet Mosher (eds), *Disorderly People: Law and the Politics of Exclusion in Ontario* (R). Halifax: Fernwood, pp. 11-21; 65-77.
- Canadian Charter of Rights and Freedoms. [<http://laws-lois.justice.gc.ca/eng/charter/>]

RESEARCH PROPOSAL IS DUE ON NOVEMBER 18**Nov 18 Sex Work and the Moral Regulation of the City**

- Razack, Sherene H. (2002). "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George," From *Race, Space, and the Law*, pp. 121-156.
- Ross, Becki. (2010). "Sex and (Evacuation from) the City: The Moral and Legal Regulation of Sex Workers in Vancouver's West End, 1975-1985" *Sexualities* 13(2): 197-218.*
- POWER. *Challenges: Ottawa Area Sex Workers Speak Out*.
 - o [http://www.powerottawa.ca/POWER_Report_Challenges.pdf].

Nov 25 Prohibition versus Harm Reduction in an Urban Context

- Walby, Kevin. (2008). "Hunting for Harm: Risk-Knowledge Networks, Local Governance, and the Ottawa Needle Hunter Program," *Canadian Journal of Law and Society*, 23(1/2): 161-78.*
- Fischer *et al.* (2004). "Drug Use, Risk and Urban Order: Examining Supervised Injection Sites as 'Governmentality'". *International Journal of Drug Policy*, 15: 357-365.*
- City of Vancouver. "A Framework for Action: A Four-Pillar Approach to Drug Problems in Vancouver"*
 - o [<http://donaldmacpherson.ca/wp-content/uploads/2010/04/Framework-for-Action-A-Four-Pillars-Approach-to-Drug-Problems-in-Vancouver.pdf>]

Dec 2 Protests and Spaces of Free Speech

- Mitchell, Don and Lynn A. Staeheli. (2005). "Permitting Protest: Parsing the Fine Geography of Dissent in America," *International Journal of Urban and Regional Research*, 29(4): 796-813.*
- Zick, Timothy (2006). 'Speech and spatial tactics' *Texas Law Review*, 84(3): 581-651.*
- Office of the Independent Police Review Director. "Policing the Right to Protest: G20 Systemic Review Report"*
 - o [https://www.oiprd.on.ca/CMS/getattachment/Publications/Reports/G20_Report_Eng.pdf.aspx]

Dec 9 Wrap-up**FINAL PAPERS ARE DUE ON DECEMBER 13**