

## Course Outline

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| <b>COURSE:</b>                    | <b>LAWS 3005 A – Law and Regulation</b>   |
| <b>TERM:</b>                      | <b>Fall 2009</b>  |
| <b>PREREQUISITES:</b>             | <b>LAWS 2003 or LAWS 2005</b>   |
| <b>CLASS:</b>                     | <b>Day &amp; Time: Thursday - 1805-2055</b><br><b>Room: Please check with Carleton Central for current room location</b>  |
| <b>INSTRUCTOR:<br/>(CONTRACT)</b> | <b>Seantel Anaïs</b>  |
| <b>CONTACT:</b>                   | <b>Office: D781 LA (Loeb)</b><br><b>Office Hrs: Tuesday – 1:00-4:00 pm</b><br><b>Telephone: 613-520-2600 x 1438</b><br><b>Email: <a href="mailto:sanais@connect.carleton.ca">sanais@connect.carleton.ca</a></b> |

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**CALENDAR DESCRIPTION**

Definitions and goals of regulation; contemporary theories and debates about legal and non-legal approaches to regulation. Approaches studied may include market mechanisms, public agency regulation, self-regulation and governance in co-operation with associations in civil society.

**COURSE OVERVIEW – LAWS 3005A**

This course is concerned with the relation between legal and non- or extra-legal modes of social, political and moral regulation. In this course we will take a broadly theoretical and historical approach to the issue of law and regulation drawing upon the body of scholarship largely inspired by the work of Michel Foucault called "governmentality." We will take the idea of Foucault's "triangle" of modern power as a point of departure. Foucault suggests that modern power is characterized by the interaction and intersection of sovereignty, discipline and governmentality, taking population as its target and using "apparatuses of security" as its means. In this course we will discuss concepts such as the state, sovereignty, the law, governmentality, police, discipline, biopower, and population, as well as some empirical and contemporary applications of each. News stories (in both broadcast and print format), video clips, and short movies will be presented during each class with an eye to expanding on the ways in which they function with the concepts being discussed. Students are encouraged to bring newspaper clippings or printouts of online news reports to class so that we might all discuss how they illuminate or render intelligible the concepts dealt with during the course. Whilst the course takes a theoretical approach to the topic of law and regulation, a background in social, political or legal theory is not presumed. The course is intended as much as an introduction to law and regulation as it is to social, political and legal theory.

## **COURSE OBJECTIVES**

- To introduce the student to reading theoretical texts and understanding theoretical perspectives with the ultimate goal of preparing students to integrate them into future coursework.
- To improve the student's ability to write, read, and think critically.
- To increase the student's awareness of and appreciation for the role that history plays in forming the present.
- To increase the student's awareness of how legal and non- or extra – legal modes of regulation operate, and how these function with and apart from one another.

## **REQUIRED TEXTS**

All course readings will be available at the reserves desk in the library, in the Chet Mitchell library (Loeb D580), and posted on WebCT. The use of all course material on the WebCT site is for the purpose of your private study, research, criticism or review. Any further copying, faxing, transmitting, or otherwise making and distributing of copies without a proper license or the express consent of the copyright owner is not permitted.

## **COURSE COMPONENTS - (All components must be completed in order to pass this course)**

**Attendance and Readings:** Failure to attend the lectures and do the assigned readings will make it difficult, if not impossible, to achieve a satisfactory grade in the course. The readings are short, but they are difficult and densely packed with complex ideas. Your best chance at doing well in the course is to come to class having read the materials assigned and prepared to discuss them.

### **1. Participation (20% - 10 x 2%)**

As noted above, your success in this course is contingent upon your attendance at the lectures and critical engagement with the readings. Participation marks will be awarded on the basis of ten (10) 200 word answers to the question which accompanies the week's assigned reading. Answers are to be handed in at the end of class with no cover sheet, title, or other materials – only the student's name and student number in the top right hand corner. There will be twelve opportunities to answer the reading/participation questions and only ten answers are required. For that reason, **NO late submissions will be accepted for participation questions. The participation questions are not mandatory. Keep in mind, however, that the consequence of failing to answer all ten questions will be a deduction of 2% from your final course grade – up to a maximum of 20%.**

### **2. Short Papers 40% (1 x 15% + 1 x 25%)**

The short papers will be assigned two weeks before they are due and should not exceed 2000 words (approximately 8 pages double-spaced) in length. The purpose of the short papers will be to test your understanding of - and engagement with - the assigned readings. These are NOT research papers and will not normally require that you include materials from sources outside of the assigned readings. Guidelines for completing the short papers will be discussed in greater detail on the day they are assigned. These papers are intended to be short exercises in which the student enquires into the logic of a particular concept, discussing its strengths and weaknesses, and what contemporary issues that it functions with or helps us to understand. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts found in the assigned readings.

### **3. Final Paper 40%**

The final paper will be assigned 4 weeks prior to the due date and will be discussed in greater detail on the day it is assigned. The final paper will be handed in on the last day of class and will not normally exceed 5000 words (approximately 20 pages double-spaced). As with the short papers, the final paper is NOT a research paper. Rather, it intended to allow you to compare and discuss the major concepts dealt with throughout the course.

The following questions will guide the assessment of all course assignments:

- Have you successfully demonstrated a basic knowledge of the readings and key concepts?
- Have you successfully identified the important points and arguments?
- Have you demonstrated a serious attempt to engage with the readings?
- Is the paper well structured and logically organized?

### **Administrative details:**

#### **Policy on late assignments:**

Late assignments **cannot** be accepted and **will not** be marked per University regulations unless medical or legal documentation is provided.

#### **Grading:**

In addition to the marking guidelines listed under each individual assignment, it should be noted that students will not be marked on spelling and grammar, however it should be noted that spelling and grammar contributes to the general presentation of your assignments and speaks to the care and attention that you have given to the assignment in general. If you feel that your paper has been unfairly assessed, please try to resolve the issue with the T.A. If you are unable to resolve the issue with the T.A. please come see me with your paper in hand during office hours.

#### **Feedback:**

Providing quality feedback on written work takes a lot of time. In order to expedite the process of marking for Teaching Assistants, I have instituted the following policy: *Comments will only be provided on assignments that explicitly request comments on the title page. Please indicate one of the following options: No Comments; Comment on Writing; Comment on Understanding; Comment on Both.* Students are neither rewarded nor penalized based upon how they wish to receive feedback.

#### **Academic Offenses:**

Plagiarism and other academic offenses will simply not be tolerated and will result in a failing grade in the assignment and, most likely, in the class. All incidents of plagiarism will be referred to the Dean **without exception**. In order to avoid plagiarism deriving from incorrect citation practices, please consult the Law Department Style Sheet ([http://www2.carleton.ca/law/current/Legal\\_Style\\_Sheet.pdf](http://www2.carleton.ca/law/current/Legal_Style_Sheet.pdf)). Also "How Do I Avoid Plagiarism?" compiled by the library (<http://www.library.carleton.ca/howdol/plagiarism.html>). Please consult Section 14 of the Carleton University Undergraduate Calendar for a complete review of the policies governing academic offenses.

#### **Backup Copies:**

Students must retain a hardcopy of all assignments for at least three months following the conclusion of the class. In the case that an assignment is misplaced, the student is expected to be able to produce another copy on request.

#### **Academic Assistance:**

Students are encouraged to avail themselves of the resources made available through the Writing Tutorial Service (Learning Support Services, Room 411ML), the Student Academic Success Centre (SASC, 302 Tory) and the Learning Commons (4th Floor, Library, 613-520-2600 ext. 1125).

#### **Other Assorted Guidelines:**

- Students are expected to have completed the readings prior to attending the lectures as the lectures presume students have arrived prepared.
- Students should be able to answer questions in class, not limited to identifying the important concepts, the arguments underlying the concepts, general questions about the historical circumstances discussed in the readings, and connections between the various concepts and readings.
- All assignments *must* be typed using 12pt Times New Roman font. Assignments should be double-spaced and there should be no extra spaces between paragraphs. Margins should be set at 1.25" all around the page.
- Assignments will *not* be accepted via email under any circumstances.
- Do not enclose your assignment in a duo-tang or any other sort of cover.

**Email:**

I will make every effort to respond to electronic mail in a timely fashion (within 24 hours). Correspondence sent via electronic mail will not be responded to after 5:00 p.m. - if it is sent past that hour, a response will be forthcoming the following day. Emails sent past 5:00 p.m. on Friday will not be responded to until Monday. If you have questions that are long and involved, or require lengthy discussion, electronic mail is not the preferred modality. Instead, please come to see me during office hours. All email should be sent from an account that clearly identifies your first and last name (e.g., your Carleton Connect account). **The course code (LAWS 3005) should be indicated in the subject line.**

**Office Hours:**

My office is located on the 7<sup>th</sup> floor of the Loeb building in room D781. I will be in my office on Tuesdays from 1:00 to 4:00. No appointment is required to see me unless you absolutely cannot make it on that day during those hours. If that is the case, please email me to request an appointment.

**Class Schedule****Class 1 - Sep10**

- Course overview.
- Discussion of assignments and course requirements.
- Introductory lecture.
- No required reading.

**Class 2 – Sep 17****Law, Regulation, and Discourse**

Readings: Foucault, M. "We "Other Victorians"." In Foucault, M. *The History of Sexuality*, Vol. I. New York: Random House, 1978, p.3-13.  
Foucault, M. "The Perverse Implantation." In Foucault, M. *The History of Sexuality*, Vol. I. New York: Random House, 1978, p. 36-49.

Participation question: What does Foucault mean when he writes of the *speaker's benefit*?

**\*Assignment of Short Paper #1****Class 3 – Sep 24****Discipline**

Readings: Foucault, M. "The Means of Correct Training." Foucault, M. *Discipline and Punish*. New York: Vintage Books, 1979. 170-194.  
Foucault, M. "Panopticism." Foucault, M. *Discipline and Punish*. New York: Vintage Books, 1979. 195-228.

Participation question: What does Foucault mean by the term *discipline*?

**Class 4 – Oct 1****Biopolitics I**

Readings: Foucault, M. "Right of Death and Power over Life." Foucault, M. *The History of Sexuality*, Vol. I. New York: Random House, 1978, p. 135-159.  
Rose, N., Valverde, M. "Governed By Law?" Social & Legal Studies 7.4 (1998): 541-51.

Participation question: What is *biopolitics*?

**Class 5 – Oct 8****Biopolitics II**

Readings: Foucault, Michel. "The Politics of Health in the Eighteenth Century." In *The Foucault Reader*, edited by Paul Rabinow, 273-89. New York: Pantheon, 1984.

Participation question: What does Foucault mean by *police*?

**\* Short Paper #1 – Due at the beginning of class**

**Class 6 – Oct 15****Governmental Rationality**

Readings: Foucault, Michel. *Security, Territory, Population: Lectures At the Collège De France*, 87-114. Edited by Michel Senellart, and Arnold I. Davidson. New York: Palgrave Macmillan, 2007.  
Dean, Mitchell. *Governmentality: Power and Rule in Modern Society*, 83-97. London: Sage, 1999.

Participation question: What is *governmentality*?

**\*Assignment of Short Paper #2**

**Class 7 – Oct 22****Governmental Rationality II**

Readings: Foucault, Michel. "Omnes et Singulatim: Toward a Critique of Political Reason." In *Power: Essential Works of Michel Foucault, 1954-1984*, edited by James D. Faubion, 298-325. New York: The New Press, 2000. [Lectures I and II]

Participation question: What is *political rationality*?

**Class 8 – Oct 29****Violence**

Readings: Bauman, Zygmunt. "The Uniqueness and Normality of the Holocaust" In *Modernity and The Holocaust*. Ithaca, N.Y.: Cornell University Press 1989, 82-168.

Participation question: What is *bureaucratic rationality*?

**Class 9 – Nov 5****Exceptions**

Readings: Agamben, Giorgio. *State of Exception*, Chicago: University of Chicago Press, 2005, p. 1-31.

Participation question: What is a *state of exception*?

**\* Short Paper #2 – Due at the beginning of class**

**Class 10- Nov 12****Emergencies**

Readings: Butler, Judith. "Indefinite Detention." In *Precarious Life: The Powers of Mourning and Violence*, 50-100. London: Verso, 2004, p.50-100.

Participation question: What does Butler mean by *performative*?

**\*Assignment of Final Paper**

**Class 11 – Nov 19****Regulation and Health**

Readings: Lupton, Deborah. "Bodies, Pleasures, and the Practices of the Self." In *The Imperative of Health: Public Health and the Regulated Body*, London: Sage, 1995, p.131-157.

Participation question: What does Lupton mean by *resistance*?

**Class 12 – Nov 26****The Norm**

Readings: Hacking, Ian. "Regimental Chests." In *The Taming of Chance*, Cambridge: Cambridge UP, 1990, p. 105-14.  
Hacking, Ian. "Society Prepares the Crimes." In *The Taming of Chance*, Cambridge: Cambridge UP, 1990, 160-69.

Participation question: How, according to Hacking, do we use the word "normal"?

**Class 13- Dec 3**

Last lecture

No assigned readings

**\*Final Paper Due at the beginning of class**