

CARLETON UNIVERSITY

Faculty of Public Affairs

Department of Law

LAWS 6002 – Law, Regulation and Governance

Instructor: Sheryl Hamilton
Course Time: Wednesdays, 2:35 – 5:25 pm
Location: Loeb D492
Office: St. Patrick's 318 and Loeb 571C
Phone: 520-2600 x1975 (St. Patrick's) and x1178 (Loeb)
e-mail: Sheryl_hamilton@carleton.ca
Office Hours: Thursdays 2:45 – 4:30 p.m.

Course Description

This seminar offers an interdisciplinary inquiry into the central problematics, key debates, and historical contexts of theories of law and the state, regulation, and governance. It is framed against a backdrop of frequent, but contested, claims that both the law and the state have been suffering crises of legitimacy in late modern society. At the same time, many contemporary questions of crisis and legitimacy reflect ongoing historical patterns and issues associated with the emergence of the modern state. We take up foundational arguments about the rule of law, sovereignty, citizenship and regulatory control, examine various challenges to those theoretical foundations, and explore more recent attempts to theorize the relational, diffuse and mobile sites, knowledges, and practices of governance and regulation.

The three broad thematic areas through which the course is conceived are: 1) States, Law and Governance; 2) Social Practices, the Regulation of Self, and Governmentality; and 3) Regulation, Institutions and Practices.

Learning Objectives

The course is intended primarily as a foundational course for doctoral students who have declared a concentration in Law, Regulation and Governance as they prepare for their field comprehensive examination.

To that end, students will develop and study their own area bibliographies in one of the three broad thematics noted above, specifically targeted towards their individual research questions and interests. Seminars will be devoted to:

- developing bibliographic skills;
- examining the annotated bibliography and the literature review as genres of thinking and writing;
- demystifying the field comprehensive examination;
- critically analyzing shared general texts in the broad field of law, regulation and governance;
- engaging in collaborative teaching and learning focused on area specific texts selected by the students; and
- presenting synthesis papers on individual bibliographies for critical feedback from the members of the class.

Evaluation

This course will operate as a seminar that is largely structured by the choices that individual students will make. As in all graduate seminars, students are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing experiences as relevant, and critically analyzing the readings. However, additionally, the structure of this seminar will require that students act as teachers to their colleagues, attempt to make connections across disparate positions and literatures, and recognize differences in approach with respect and engagement. The classroom dynamic and success of the seminar will depend upon both the collaborative and independent work of all of us.

Evaluation in this seminar will be composed of four components: seminar participation (25%); preparation of a preliminary bibliography (20%); presentation on selected readings (25%); annotated bibliography (30%).

Seminar Participation

Students will be evaluated on the quality of their participation in the seminar. Participation includes having done the assigned readings every week, being prepared to discuss them in an informed manner, providing constructive feedback to colleagues, engaging with the presentations and ideas of others, making interventions to facilitate and support the production of group knowledge, asking questions, and listening to colleagues with attention and respect. Please note that quantity of intervention does not always translate into a high quality of participation. Quality participation is a factor of generosity, thoughtfulness, creativity, and risk-taking.

Preliminary Bibliography

Each student will prepare a preliminary (unannotated) bibliography of sources pertinent to their own research/field comprehensive examination. The readings will likely be a

combination of articles, book chapters and monographs, but the total pages of reading should be not less than 1,500 pages. The bibliography should be a preliminary mapping of a field that is defined through the bibliographic undertaking, itself. It should be organized thematically (rather than alphabetically) and should engage with, although not necessarily embrace, any “canon” in the field. Each student will be asked to briefly present her or his bibliography to the class. Presentations should offer a personal reflection on the process of bibliography making and a brief discussion of the organizational framework and themes selected. Presentations should be approximately 10 minutes in length to permit time for brief feedback. A printed copy of the bibliography should be presented to each member of the seminar at the beginning of the presentation. Preliminary bibliographies will be presented on **February 15, 2012**.

Presentation on Readings

The four sessions after spring break (February 29 - March 21, inclusive) are designed to be student-led seminars. Each student will provide access to one or two significant readings from their preliminary bibliographies that they would like to work through with colleagues in the context of the class. Readings should be made available on **February 15th**. The total pages of the readings selected should not exceed 60 pages. Each student will be responsible for ½ of the class time (1 hour and 15 minutes) and two students will present in each class. Presentations should situate the reading(s) within an appropriate context – intellectual, historical, political, personal, etc., raise some preliminary critical engagements, provide an example to assist in working through the ideas, and include questions to animate discussion by the group. They should not be primarily descriptive of the text(s) that we have read. Presentations should not exceed ½ hour in order to leave sufficient time for discussion.

Annotated Bibliography

All students will prepare a critical, analytic annotated bibliography as their final written work for the course. This should be type-written and double-spaced with analytic sections at the beginning of each section, in addition to the introduction and conclusion. The analytic framing of the debates, an outline of the student’s critical points of intervention, and a discussion of the gaps in the field will be presented in the last two weeks in order to receive constructive feedback from class members. Annotated bibliographies will be due two weeks after the last day of class (**April 18, 2012**). The grade for the Annotated Bibliography will reflect an evaluation of the presentation and the written submission.

Students Requiring Formal Accommodation

You may need special arrangements to meet your academic obligations during the term because of disability, pregnancy or religious obligations. Please review the course outline promptly and 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.

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that your Instructor receives your Letter of Accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations.

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

Other Special Needs

If you have any other special needs which require scheduling accommodation for you to maximize your learning experience (e.g. employment, childcare, travel, etc.) and for which formal accommodations are not available, please speak to me at the beginning of term so that we can arrange a mutually satisfactory approach. Please do not expect this type of accommodation for such requests during the week in which an assignment is due if we have not already arranged it.

Seminar Schedule

January 4 Introduction

January 11 Law, Regulation and Governance: Mapping out the Field(s)

Purvis, Trevor (2002), "Regulation, Governance, and the State: Reflections on the Transformation of Regulatory Practices in Late-Modern Liberal Democracies" in *Law, Regulation and Governance* (M. Mac Neil, N. Sargent and P. Swan, eds.), Toronto: Oxford University Press, pp. 28-53.

Dohler, Marian (2011), "Regulation" in *The Sage Handbook of Governance* (Mark Bevir, ed.), London: Sage, pp. 518-534.

Majone, G. (2010), "The Transformation of the Regulatory State" in *Osservatorio sull'Analisi di Impatto della Regolazione*, www.osservatorioair.it, settembre 2010, pp. 4-30.

Eisner, Marc Allen (2000), "A Regulatory-Regime Framework: Understanding Regulatory Change" in *Regulatory Politics in Transition*, Baltimore: The Johns Hopkins University Press, pp. 1-26.

Stoker, Gerry (1998), "Governance as theory: five propositions" in UNESCO, Oxford: Blackwell, pp. 17-28.

January 18

Law, Regulation and Governance: Debates, Issues & Concepts

Gordon, Colin (1991) "Governmental Rationality: An Introduction" in *The Foucault Effect: Studies in Governmentality* (G. Burchell, C. Gordon and P. Miller, eds.), Chicago: University of Chicago Press, pp. 1-52.

Scott, Colin (2004), "Regulation in the Age of Governance: The Rise of the Post-Regulatory State" in *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance*, Cheltenham, UK: Edward Elgar, pp. 145-174.

Black, Julia (2002), "Critical Reflections on Regulation," Centre for Analysis of Risk and Regulation at the London School of Economics and Political Science, London.

Walters, William (2004), "Some Critical Notes on 'Governance'" in *Studies in Political Economy* 73: 27-46.

January 25

Working with Regulation and Governance Approaches

Ruhl, Lealle (1999), "Liberal Governance and Prenatal Care: Risk and Regulation in Pregnancy" in *Economy and Society* 28(1): 95-117.

Gerlach, Neil, Sheryl N. Hamilton, Rebecca Sullivan, Priscilla L. Walton (2011), "Biosecurity, Bioterrorism and Epidemics" in *Becoming Biosubjects: Bodies. Systems. Technologies.* Toronto: University of Toronto Press, pp. 136-172.

Murray, Andrew and Colin Scott (2002), "Controlling the New Media: Hybrid Responses to New Forms of Power" in *The Modern Law Review* 65(4): 491-516.

Gunningham, Neil (2009), "Environment Law, Regulation and Governance: Shifting Architectures" in *Journal of Environmental Law* 21(2): 179-212.

February 1

Literature Reviews and Annotated Bibliographies – Challenges and Practices

Randolph, Justus J. (2009), "A Guide to Writing the Dissertation Literature Review" in *Practical Assessment, Research and Evaluation* 14(13): 1-13.

Branley, Duncan (2004), "Doing a Literature Review" in *Researching Society and Culture* (C. Seale, ed.), London: Sage, pp. 145-162.

Montuori, Alfonso (2005), "Literature Review as Creative Inquiry: Reframing Scholarship as a Creative Process" in *Journal of Transformative Education* 3(4): 374-393.

Please read Moran's review article and two of the annotated bibliographies below or if you prefer, Moran's piece, one annotated bibliography, from the list below and one of your own choosing. Keep in mind that you are reading the annotated bibliographies, less for content, than for their structure, style, and generic characteristics.

Moran, Michael (2002), "Review Article: Understanding the Regulatory State" in *British Journal of Political Science* 32: 391-413.

Pattinato, Tammy R. (2007), "An Annotated Bibliography of Law Review Articles Addressing Feminist Perspectives on 'Law in Literature'" in *Law Library Journal* 99: 55-72.

Valentine, Sarah E. (2007-8), "Queer Kids: A Comprehensive Annotated Bibliography on Lesbian, Gay, Bisexual, Transgender and Questioning Youth" in *Yale Law Journal* 19: 449-493.

Mattar, Mohamed Y. (2004), "Trafficking in Persons: An Annotated Legal Bibliography" in *Law Library Journal* 96: 669-726.

Kahl, Chad M. and Stephanie R. Davis-Kahl (2010), "Human Rights Reference Sources: A Critical Annotated Bibliography" in *Behavioural and Social Sciences Librarian* 29(1): 32-64.

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| February 8 | Class is cancelled as the Professor is at an Adjudication Committee Meetings for the Social Sciences and Humanities Research Council of Canada. |
| February 15 | <p>Presentation of Preliminary Bibliographies II</p> <p>Each student in the class will present their preliminary bibliography to the class. We will critically discuss the bibliographies as well as any shared challenges or issues in relation to bibliography building.</p> <p><i>Readings for February 29 – March 21 are to be designated for class members today!</i></p> |
| February 22 | Spring Break |
| February 29 | <p>Law, Regulation and Governance I</p> <p>Readings to be assigned by students presenting.</p> |
| March 7 | <p>Law, Regulation and Governance II</p> <p>Readings to be assigned by students presenting.</p> |
| March 14 | <p>Law, Regulation and Governance III</p> <p>Readings to be assigned by students presenting.</p> |
| March 21 | <p>Law, Regulation and Governance IV</p> <p>Readings to be assigned by students presenting.</p> |
| March 28 | <p>Presentation of Annotated Bibliographies I</p> <p>Students who presented their selected readings on February 29 and March 7 will present a preliminary version of their analytical frameworks for their annotated bibliographies.</p> |

April 4

Presentation of Annotated Bibliographies II

Students who presented their selected readings on March 14 and 21 will present a preliminary version of their analytical frameworks for their annotated bibliographies.

Annotated Bibliographies are due on April 18th.