2016 Faculty of Public Affairs Carleton University
FPA RESEARCH MONTH
FEBRUARY 24 - MARCH 24

Bringing Research to Life

FPA Research Month celebrates academic excellence with more than 30 lectures, conferences and events!

BUILDING/BENDING/BREAKING BOUNDARIES:

(RE)CONCEPTUALIZING LEGAL INQUIRY

Carleton University
LAW AND LEGAL STUDIES

March 17, 2016
2228 River Building
Carleton University

Carleton UNIVERSITY

Agenda

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8:00am – 8:20am: Registration

8:20am – 8:30am: Introductory Word from the Organizers

8:30am – 10:00am: Panel 1, Rm. 2228A

8:30am – 10:00am: Panel 2, Rm. 2228B

10:00am – 10:15am: Break

10:15am – 11:45am: Panel 3, Rm. 2228A

10:15am – 11:45am: Panel 4, Rm. 2228B

11:45am – 12:45pm: Lunch / Airing of 'Hold Your Fire' (12:00pm – 12:45pm) in Rm. 2228A

12:45pm – 1:45pm: 'Hold Your Fire' Discussion Panel, Rm. 2228A

1:45pm – 2:00pm: Break

2:00pm – 3:30pm: Panel 5, Rm. 2228A

2:00pm – 3:30pm: Panel 6, Rm. 2228B

3:30pm – 3:45pm: Closing Remarks

7:00pm – After Conference Social

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Panel 1, Rm. 2228A: 8:30am – 10:00am
Title: *Disciplinary Constructions and Constructions of Home*

Chair: *Devon Valentine* (Carleton University)

Josh Hruschka (Carleton University)
Banishment, Exclusion, Coloniality, Non-Citizenship, Property, Privilege, Criminality. An Analysis of Blood and Soil in Canada.

The prolonged effects of colonialism and imperial legacies remain present in the everyday as evidenced through the administration of life itself. The institutions of common law remain imprinted within the neoliberal state and their subjects vis-á-vis the technologies of governmentalized belonging which produce precarious, contingent and bureaucratic phenomenon of citizenship. In fact, as Ayelet Scachar reminds us, material wealth and political membership are the only meaningful resources whose transfer is governed by heredity. In Canada, the remnants of colonial administration remain engrained in the legal-politico ordering of constitutional democracy. In converging political membership and legal bureaucracy, the administration of life is validated through supreme worship of the sovereign and law's commands. In analyzing *Romans v. Canada (Minister of Citizenship and Immigration)* and *Budlakoti v. Canada (Minister of Citizenship and Immigration)*, I will highlight the congruent and contradictory ways in which sovereignty and belonging converge with crimmigatory apparatuses to legitimate and maintain the logics of expulsion, exclusion and undesirability through the production of the criminogenically flawed (in)dividual whose behaviour in relation to law warrants banishment from the territory. Moreover, these cases illuminate the arbitrary nature of citizenship both in its guarantee to a meaningful membership in a political community as a weapon of exclusion and violence. Further, the ability to assign territorial membership based on birthplace or parentage illuminates a significant and deeply flawed global hierarchy based on privilege, property and coloniality. The being said, even as legal opinions at the Supreme Court of Canada have signaled that the criminalization of belonging may be considered cruel and unusual in the event that criminogenic flaws may fade with time they still conclude that life is controlled, maintained and then rendered the object of the sovereign decision. In situating citizenship within a historical context we can better understand how citizenship remains an arbitrary practice of division along geographical lines of space and time limiting the possibilities of human survival and rendering existence contingent on the political order.

Josh Lelievre (Carleton University)
Canadian Land Claims: Accumulation Through Restoration and Development

The relationship between the Indigenous communities of Canada and the Canadian State is at an unprecedented crossroads. After years of prior inaction, the current Liberal government has committed itself to engaging in "nation to nation" talks with indigenous communities to address many long-standing issues. These include the restoration of land rights and the development of these restored lands to create strong, economically independent Indigenous communities. However, these talks and the commitments to economic partnerships may become derailed without critical evaluation and reform, as in their current form, they are based on asymmetrical power dynamics between the Indigenous communities on one hand and the Canadian state on the other.

This analysis then will challenge the dominant narrative that land claims act as projects of development aimed at improving the economic and political institutions of Indigenous communities. Instead, it will contend that whatever their perceived benefits, such projects primarily serve the preservation of the State's power to accumulate and manage capital, while still fulfilling the legal obligations and duties established in case and constitutional law. Building on the work of David Harvey and his idea of "accumulation by dispossession", this analysis will highlight how this logic infuses the modern land claim process, specifically in the case of the contemporary Agreement-In-Principle between the Canadian state and the Algonquin First Nations. It will conclude that the current process reproduces the asymmetrical power dynamics and leads to concurrent yet seemingly incompatible consequences: the surrender of marginal amounts of land to the Algonquin community as Canada's legal obligations require, while preserving or even creating new avenues of capital accumulation despite the loss of territory.

Matthew Hinterman (Carleton University)
No Place Like Home: Vita Activa and Ruby Slippers

This paper explores the relationship between vita activa and notions of home in the context of the contemporary refugee within the confines of the refugee camp. This paper discusses the Arendtian conception of the three foundational activities that comprise vita activa and how each one is interrupted or supressed by the conditions of the modern refugee camp. Although work, labour, and action are important concepts in the establishment of a normal life, this paper suggests that the physical locality of the refugee is an equally important factor in the life of the refugee. This paper outlines the psychological and spiritual importance of the home or homeland and how notions of home are historically and contemporarily linked to human identity. This paper also discusses the challenges that the refugee may face upon returning to their previous homeland after living within the confines of the camp or after establishing a new home within the host state for long periods of time. It would be too simple to suggest that a restoration of vita activa is all that is required to bring the refugee to the good or normal. Therefore, this paper suggests that the reestablishment of a home must be considered as important as the reestablishment of vita activa.

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Panel 2, Rm. 2228B: 8:30am – 10:00am
Title: *Law, Representation, and Identity Construction*

Chair: *Marcus Sibley* (Carleton University)

Meral Tan (Carleton University)
Defining childhood through international law: Understanding the impacts of The Prosecutor v. Dominic Ongwen on child soldiering debates

The relation between law and children is a controversial one, often undertheorized and taken as self-evident. One of the issues in international law that specifically address this relation is child soldiering. This essay analyzes how international law approaches the issue of childhood by focusing on the trial of a former child soldier, Dominic Ongwen, held by the International Criminal Court (ICC). Ongwen is now under the custody of the ICC and his trial is ongoing. Complexities that appear in *The Prosecutor v. Ongwen* reveal some of the controversial attributes of childhood, such as innocence, immaturity and lack of agency, as defined by international law. The essay asks two questions: How does the international legal language define childhood? What are the implications of this definition in terms of addressing the crime of child soldiering? The basis of this research is a critical discourse analysis. The paper will make use of the ICC transcripts and press releases on the case, international law governing the rights of children and child soldiering, and the critical literature on underage combatants.

Nicoletta Michalopulos (Carleton University)
Redefining the Citizen and the Racialized Other

With the ongoing threats and atrocities being committed by ISIS, Canada is facing an era of insurgency where Canadian ideals (such as freedom, equality and peace) are in jeopardy more than ever since the terrorist attacks of September 11, 2001. The newly enacted *Strengthening Canadian Citizenship Act* (SCCA) re-evaluates the necessary measures for securing Canadian borders, yet in doing so has obscured our understanding of who has rights and what those rights may entail. Contrary to Canada's apparent multicultural identity that celebrates, protects, and encourages diversity, the Canadian government has distinguished between 'citizen-members' and 'immigrant-outsiders' and has thus racialized what it means to be a Canadian citizen. As a result, the SCCA violates Canada's liberal and multicultural values by forming categories of citizenship that separate the true citizen from the dangerous and racialized *other*. This project problematizes aspects of the SCCA as it normalizes the exploitation and vulnerability of particular citizens as problems for Canada's safety. By challenging the reproduction of identity essentialism and racial knowledge, this paper maintains that the SCCA reduces Canadian citizenship to a racialized privilege that is necessary but insufficient for equal protection and benefit of the law.

Graciela Flores Méndez (University of Ottawa)
Alien/ation: Citizenship, Race, and the Construction of the Mexican 'Illegal Alien'

The purpose of this paper is to examine im/migration and citizenship discourse in the United States as it pertains to the racialization of the Mexican „illegal alien." In order to trace how the legal category „illegal alien" has become racialized code for „Mexican criminal," this paper examines the national "official story" in two time frames. Through an exploration of the United States" colonization of Mexico in 1848 and the emergence of the „illegal alien" classification in immigration law, I examine the influence of racialized thinking in conceptualizations of citizenship in the United States. Contemporary im/migration and citizenship discourse is then examined through an inquiry of the multiple sites that create and enforce the racialization of the „illegal alien." Flashes of personal narrative, told through auto-ethnography, are interwoven to demonstrate how this racialized discourse fortifies physical and imaginary borders for the „illegal alien." The examination of im/migration and citizenship discourse will emphasize the role of law in sustaining the relationship between Mexican racialized identity and „illegality." I conclude that citizenship status and racialization have maintained an interlocked relationship for Mexican migrants since 1848, and that the racialized „illegal alien" category in law sustains the physical and emotional *alienation* of migrants in the United States. Failure to understand the existence of this relationship interferes with our ability to create sustainable, just, and humane solutions in im/migration law.

Megan Lonergan (Queen's University)
Same Old Song: Representations of Community & Sex Workers in the Film London Road

London Road (2015) recounts the murders of five female sex workers in the English town of Ipswich in 2006 and focuses on the community who lived on London Road—the temporary home of the serial killer when he was finally caught. The film breaks from traditional true-crime films by relying on original interview transcripts with community members to create a verbatim script as a musical. This paper will argue that although the film's purposeful non-representation or focus on the murderer to break from the sensationalization of violence is well intentioned, the focus on the community as the victim overshadows the women who lost their lives and reinforces sex workers as outside of the community. Again the lives and deaths of sex workers become both spectacle and inherently tragic as with other fictional and non-fictional representations of sex work in mainstream media. What is at stake when the community is thought to not include the sex workers who work there? What can we extrapolate from the depiction of community as the victims of the serial killer and not the women, whose lives were taken, nor their friends/other workers? Judith Butler (2009) pushes us to ask whose lives are grieveable. This paper will argue that the representation of "community" versus sex workers, and of community as the victim of sex workers—despite the recognition of violence against sex workers— reinforces stigma against sex workers and contributes to the violent conditions of their labour.

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Break: 10:00am – 10:15am

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Panel 3, Rm. 2228A: 10:15am – 11:45pm
Title: *Obstacles in Research and Presentation*

Chair: *Jay Shastri* (Carleton University)

James Liles (Carleton University)
Policing Research and Researching the Police: Some Preliminary Reflections on Accessing the Institution

Police organizations have established a reputation of being separate from the rest of society and this distinctiveness has led to an organizational culture of secrecy and defensiveness towards 'outsiders' (Chan, 1997; Chan, 2003; Goldsmith, 1990; McCarthy, 2013; Paoline, 2003). This organizational culture has implications for researchers as academics hoping to access police organizations are either denied immediately or experience extensively cumbersome processes to conduct research. Brown (2015) notes that overcoming the insular organizational culture requires establishing trust and ensuring confidentiality and anonymity. Key to accessing police organizations, then, can often be dependent on previous experiences of conducting research with other police organizations. In other words, researchers must cultivate positive relationships with police organizations based on trust and professional (and ethical) conduct, and then use these relationships to gain access to other police organizations for further research projects. This paper will review the academic literature surrounding the complexities of researching police organizations and provide an auto ethnographic account of the author's first experience conducting research with a major police organization in Ontario.

Amanda Dale (Osgoode Hall, York University)
(Re)Conceptualizing Enquiry: Reflections of the Applicant in Barbra Schlifer v. Canada

This paper explores *Barbra Schlifer v. Canada* from my perspective as the applicant. In 2012, I challenged government legislation destroying the gun registry for what I alleged were Charter breaches pertaining to women's equality and security of person (we argued that the repeal of the long gun registry disproportionately impacted women). I use this paper to reflect on the relationship between aspects of governance —the courts and social policy— and social activism, in a first person account. I demonstrate how the positioning of the legitimacy of expert knowledge lays some of the groundwork for a later minimization of the cumulative experience of those with direct knowledge of the matters under consideration, and allowed the bench to determine expertise divorced from those realities. I turn to some competing notions of the law and its role in aiding or hindering progressive social change to understand my experience of a thwarted claim. I use my standpoint as a beginning and not an end in probing the court's construction of expertise, and through that, justiciability and the interplay between law and its social context.

Seetal Sunga (Carleton University)
Honneth and Frasher on the Concept of Recognition and its Relevance to Missing and Murdered Indigenous Women and Girls

Statistics Canada has established that in the years between 2001 and 2014 indigenous women were 6 times more likely to be murdered than non-indigenous women (Statistics Canada, 2014). As well, while the homicide rate for non-indigenous women has been declining, it has remained stable for indigenous women (Statistics Canada, Homicides in Canada, 2014). This, despite the fact that indigenous identity is likely underreported by police because of their policy of protecting the identity of victims (Statistics Canada, Homicides in Canada, 2014).

On its face, the lack of physical safety of indigenous women indicates that in some way their lives and security are undervalued, or there is something about their circumstances that creates a particular type of vulnerability. Based on what families of the murdered and missing women have asserted, does the principle of recognition adequately describe their justice claims? Or is it necessary to combine a framework that also encompasses inequality of distribution?

Nancy Fraser and Axel Honneth both theorize recognition as a key normative basis for political and justice claims in their book, *Redistribution or recognition? A political-philosophical exchange* (2003). However, they differ in where recognition is situated, what it is, and finally its relation to redistribution in a modern capitalist and democratic society. In this paper, I look at what Fraser's and Honneth's notions of recognition have to offer in light of the emerging claims of injustice of those most closely associated with missing and murdered indigenous women.

Emily Clougher (Carleton University)
Hierarchical structures within the Drug Treatment Courts and their unintended consequences

While the Canadian Drug Treatment Court (DTC) is undeniably structured differently than the traditional adversarial court system, there are elements in the practice of the DTC that are reminiscent of adversarial courts and seem to run in

conflict with the principles of specialized, restorative courts such as the DTC. The DTC was created to be a specialized court meant to embody the principles of therapeutic justice - to ultimately provide treatment to drug offenders and offer an alternative to imprisonment. Alongside that is the principle that the individuals within the DTC are treated as equals, and everyone is dealt with fairly. However, within the DTC there are still rigid hierarchies existing within the court that divide the individuals within it. Some of these hierarchies are official, such as the difference in status between the judge and the program participants. Others are unspoken hierarchies, such as those between participants, but are still strictly adhered to and can appear to be a divisive factor within the program. My objective is to explore and analyze these hierarchies and their unintended consequences. Specifically I hope to highlight that the boundary between the DTC and the adversarial system is largely superficial and the DTC is actually operating much like the adversarial system would, defeating the ultimate purpose of the DTC and undermining its primary objective.

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Panel 4, Rm. 2228B: 10:15am – 11:45pm
Title: *Think Big: Global Concepts, Claims and Images*

Chair: *Tiffany MacLellan* (Carleton University)

Jorge Luis Fabra Zamora (McMaster University)
A Concept of Global Law

This paper advances a preliminary elucidation of the concept of global law. I seek to clarify the object of study and to establish a framework of though that both further our understanding of this particular transnational project and that provides a provisional point of departure for further philosophical, empirical and doctrinal inquiries. In the first part of the paper, I argue that the extant characterizations—including those advanced by Rafael Domingo, William Twining, Gunther Teubner and Neil Walker—are unsuccessful, as they either suffer from conceptual problems or they fail to distinguish the core of the putative global legal phenomena. This failure, I will suggest, is derived from the lack of a clear methodology for explaining the existence of nascent legal phenomena. With these clarifications in mind, I construct a concept of global law in the second part of the paper. In my view, global law is not one uniform thing, but instead three different sorts of legal practices: First, the 'global legal norms,' some norms which arise from the convergent practice of officials in different legal systems, and that claim planetary applicability; second, the 'global legal systems', sets of primary and secondary norms which enjoy some degree of autonomy from the state legal systems and international law; and, finally, what I will 'the law of laws', which is a legal system constituted by the norms regulating the existence and operations of the other systems, including state law, international law and global legal systems. Though these three are different practices which merit individual forms of analysis, I argue that there exist theoretical considerations that make appropriate to regard them all as part of the umbrella concept global law. The paper concludes with a summary of the main results of this exploration and the conceptual questions that will guide my philosophical inquiry in the subject.

Sarah Murray (Carleton University)
Let Them Live: Rethinking Transitional Justice in Regards to Community Memorialisation in Belfast

The study of memorials is of particular importance to the field of transitional justice, as it holds the unique capacity to chart a society's transition from conflict to peace. The ways in which a society remembers a past of violent conflict is perhaps best represented through community memorialisation. As such, grassroots memorials play an important role in transitioning societies, in that they provide a means for communities to express genuine perceptions of the past. The purpose of this paper is to explore community based memorials and their implications in societies attempting to address lingering tensions, in order to reconcile past events and move towards a peaceful future. This will be accomplished through analysing the sectarian murals of Northern Ireland. More specifically, exploring how communities in the city of Belfast, to which such murals belong, link the past to the present. Overly aggressive murals are often seen to reinforce the narratives of conflict in such societies. As a result cities like Belfast are forced to consider their removal or replacement in order to fully achieve the need for peace and reconciliation. The argument will be presented that in this context, the focus on reconciling a divided past is inappropriate, because it forces communities to place their memories within the confines of a particular narrative. Whereas, empowering communities to re-imagine, re-consider and re-write their relationships with the past, in the form of altering sectarian murals as they see fit, allows them to create ever-changing living memorials that evolve with communities themselves.

Victoria Nalinie Bisnauth (Carleton University)
Myth, Exile, and Alan Kurdi: An Examination of the (Mis)Conceptions of "Europe's boat people"

The wide-spread and high-profile circulation of the photograph of Alan Kurdi, a drowned Syrian toddler on a Turkish beach, has brought significant global attention to the situation of refugees risking their lives to cross the Mediterranean and Aegean seas. In response, various governments were pressured to accept and resettle more refugees, and an increasing number of individuals and institutions contributed to the financial sponsorship of refugees. Previous and existing policies and statistics were reviewed and either defended by administrations or condemned by the general public. In the few months that followed the circulation of the photograph, the death of Alan Kurdi on September 2, 2015 was largely interpreted as a crucial and decisive moment in the West's response to the refugee crisis in the area where Europe and the Middle East meet. However, the more recent terrorist attacks in Paris, France on November 13, 2015 rapidly shifted public opinion from wanting to accept Syrian refugees in order to prevent more deaths in the Mediterranean and Aegean seas to being wary and suspicious of migrants from the Middle East as terrorists. This drastic change in the West's perception of Syrian refugees suggests that the image of Alan Kurdi did not encourage a critical and reflective engagement with the reality it represents. The photograph instead depicts the death of a very young migrant in a way that promotes a misunderstanding of the larger refugee context among a primarily Western audience otherwise removed from such experiences. The ensuing discussion therefore focuses on the audience, the context, and the message the image conveys of the context to the audience in order to demonstrate how the photograph distorts the reality of the refugee crisis by naturalizing the violence of exile manifested in the drowning of Alan Kurdi.

Michael Iyore (University of Ottawa)
Seeking Legal Remedies for Electronic Waste Pollution in Nigeria

In the wake of the Information Communications and Technology boom in developed nations, mountains of electronic wastes (e-waste) have ironically emerged on landfills and wetlands in Nigeria, leaching hazardous effluents into the soil and water that support life in many low-income communities. The importation of e-waste into Nigeria is prohibited by national and international laws; however the quest for cheap means of disposing e-waste of the developed world and the developing world's hunger to participate in the digital age has created a pathway for the illegal trade at an alarming environmental cost. Despite the illegality of this trade and its impact on human health and the environment, the government has been unable to halt the invasion and unsafe disposal of e-waste in the country.

This research explores legal opportunities available to victims of e-waste pollution in Nigeria to seek justice for pollution. It engages the fallacy of bridging the digital divide and unpacks the assumptions about ecological economics within the context of the e-waste trade. I also analyse possible reasons for the dearth in private law actions for e-waste pollution in Nigeria and critically engage the prospects and challenges for domestic and cross- border litigation for the e-waste pollution; relying on common law tort theories and emerging constitutional law jurisprudence in Nigeria. It is my argument that there is sufficient legal framework to build environmental law jurisprudence recognising the right to a clean environment free from e-waste pollution in Nigeria.

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Lunch Break: 11:45pm – 12:45pm

Airing of the CBC's "Hold Your Fire" (44mins) in Rm. 2228A

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Special Discussion Panel, Rm. 2228A: 12:45pm – 1:45pm

James Liles (Carleton University)
People in Crisis: Understanding the Impacts of Mental Health Response Units on Policing Culture

Evan Murphy (Carleton University)
Police Kettling Within a Foulcaudian Framework: Problematizing the Monopoly of Securitization Discourse

Nick Lamb (Carleton University)
Adjudicating Fire: Critical Reflections on the Trial of Officer Forcillo

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Break: 1:45pm – 2:00pm

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Panel 5, Rm. 2228A: 2:00pm – 3:30pm
Title: *Reinvigorating the 'Rights' Conservations*

Chair: *Garrett Lecoq* (Carleton University)

Tyler Totten (Carleton University)
The Rights of the Other Animal

Whereas the subject of animal rights has long had a home in the academy, the dawn of the twenty-first century saw interdisciplinary scholarship under the general heading of "animal studies" explode onto the scene. Heavily influenced by postmodernism, many animal studies scholars reject the normative moral arguments of animal rights discourse in favour of a focus on deconstructing the human-animal binary. Nevertheless, these scholars have not been deaf to questions of an ethical nature, with many positing Levinasian ethics as a way of accommodating animal difference. While they may all share the same starting point, these scholars vary greatly as to what they believe these ethics mean in practical terms — ranging from philosopher David Wood using them to derive an imperative for veganism to biologist Donna Haraway using them to defend animal experimentation. In light of some critiques of both Wood's and Haraway's polarized positions, I suggest another possibility: that the argument for rights can still be made. Following philosopher Paola Cavalieri, I contend that the argument for animal rights may not be wholly inconsistent with Levinasian ethics. In this respect, instead of viewing "animal rights" and "animal studies" in opposition to each other, one may be able to reframe the two approaches such that they work together symbiotically.

Benjamin Miller (University of Ottawa)
Caring Justice: On Legal Needs and Rights

The legal system is widely regarded as an institution meant to uphold and enforce rights. While legal professionals overwhelmingly speak in these terms, it is also common for them to speak in terms of legal *needs*. This begs the question: what is the relationship of rights to needs, and can they both be handled effectively by the same institution? My paper will begin by setting out a definition of legal need grounded in broader philosophies of needs. It will then consider some possible relationships between needs and rights: mutual exclusion, compatibility, identity, and entailment. It will be argued that needs entailing rights is by far the most plausible relationship, though it cannot be clearly demonstrated. The paper will then enquire into the proper normative framework for responding to needs as opposed to rights. It will be argued that conceptions of justice within the legal system as they currently stand, are incomplete and actually self-defeating without an ethic of care at the systemic level.

Matthew McManus (York University) (via Skype)
On a Dignity Oriented Approach to Rights Discourse

My presentation will focus on my dignity oriented approach to understanding human rights. I will begin by juxtaposing my position against the liberty oriented approach popularized by Kant, amongst others. Drawing on the work of Sen and Nussbuam, I then go on to argue that if we see protecting human dignity, instead of just liberty, as the primary goal of a politico-legal system then we should look to realize two twinned rights. The first is a right to democratically author the structure of politico-legal systems and the laws which flow from them. The second is a right for human capabilities to be distributed equally except where inequalities flow from morally significant choices. These rights should be codified within law and realized, where possible, in legal practice. If this were achieved, we could say that the politico-legal system we lived within adequately respected human dignity.

Rachel Ostroff (Carleton University)
Bounds of Immorality: International Holocaust Reparations Claims in American Courts

Moral pronouncements regarding human rights have become increasingly binding internationally. The codified United Nations' "Responsibility to Protect" principle legitimized undermining state sovereignty, should the state in question be guilty of immoral acts. Permeating political and legal morality rhetoric is the notion of universally accepted human rights. Be it natural law status or simply a flexible and persuasive concept, such rhetoric has come to take on a currency in international affairs of sorts. This paper will further delineate this concept through analyzing an emblematic series of Holocaust reparations class action law suits, filed in American courts against both European states and against the United States itself. It will explore the nature of morality and morality rhetoric, ultimately construing the concept as a manifestation of the international 'structural power' proposed by Susan Strange.

Panel 6, Rm. 2228B: 2:00pm – 3:30pm
Title: *The Neoliberal Rationality*

Chair: *Nick Lamb* (Carleton University)

Hashim Oudeh (Carleton University)
81 Years and Counting: The call for a Canadian National Securities Regulator

What is the role of law in regulating the economy? Does too much regulation cause inefficiency and impede economic growth? Does too little regulation cause uncertainty and unpredictability about such growth? In today's increasingly globalized and fiercely competitive capital markets, states focus on enacting rules and regulations that promote efficiency and flexibility for businesses in a variety of industries. Regarding the role of law in the economy, Max Weber (1968) argues that "juridical formalism enables the legal system to operate like a technically rational machine. It guarantees to individuals and groups within the system a relative maximum of freedom, and greatly increases for them the possibility of predicting legal consequences of their action." According to Weber, the role of law is therefore to act as a source of market stability and predictability in order to encourage investor confidence. By contrast, without the law, chaos would characterize capital markets and thereby decrease the confidence of investors, whose disinterest in investing can cause economic loss and decline. Currently, among all major industrialized nations, Canada alone has no federal securities regulatory body to oversee the regulation of publicly traded companies, but thirteen such bodies, one in each of Canada's thirteen provinces and territories. In effect, companies seeking to be publicly traded and with initial public offerings in Canada are subject to thirteen different sets of rules and regulations. Within this Weberian theoretical framework of the role of the law, the present research will analyse whether Canada would benefit from a unified securities regulatory body or whether the status quo is sufficient.

Sara Phinney (Carleton University)
Detroit's Municipal Bankruptcy and the Case of Austerity Urbanism

The main question this paper will address is what shifts in urban governance accompanied Detroit's municipal bankruptcy process? In July 2013, the City of Detroit filed for Chapter 9 Bankruptcy protection that allowed Michigan Governor Snyder to suspend democratic governance in Detroit and impose a declaration of financial emergency that effectively disempowered local elected officials in Detroit. This resulted in Kevyn Orr being appointed as Detroit's "emergency manager" whom had the ability to impose cuts to public services, and revamp policies established by voters and their elected representatives. This paper will demonstrate how this was a way of fiscally and operationally restructuring the City of Detroit, cutting debt, and downsizing Detroit's municipal government services. Moreover, this paper will look at how austerity governance has manifested itself in Detroit following its municipal bankruptcy and the new challenges this has created for delivering public services, particularly regarding the creation of new "authorities. " Rather than breaking away from neoliberalism, this crisis has created a revanchist phase of neoliberal development under the form of "austerity urbanism." According to Jamie Peck urban governance is now operating in an age of austerity where the costs of austerity are externalized and offloaded to the state and local levels.

Taras Matkovsky (Carleton University)
The Search for Vitality: Biopolitics and Urban Form in Thatcher's Britain

The 1979 British general election saw the rise of Margaret Thatcher, who unleashed a far-reaching transformation of British society. Along with Ronald Reagan, she is credited for ushering in the neoliberal transformation of the Western world. Despite her anti-welfare state policies, resulting in mass unemployment, violent industrial conflict and even race riots, Thatcher managed to win three successive elections. What is most noteworthy about these wins is that many of Thatcher's voters were former Labour voters and of working-class backgrounds. Even more noteworthy is that Conservative support under Thatcher was concentrated in the suburbs and towns of England. These voters formed what was called 'Middle England', and voted Conservative from 1979 to 1997, when Tony Blair's New Labour managed to win power on a highly watered-down version of Labour policy. When one considers that the Thatcherite decade witnessed significant disruptions in working-class industrial areas and inner city cores, it is reasonable to speculate that there was a geographic element to the Thatcherite revolution. This paper will argue that Margaret Thatcher used the British suburb in a biopolitical sense to regulate British society. Drawing on biopolitical and ethopolitical theory, it will show that Thatcher supported suburban areas to not only benefit her supporters, but also to steer Britain in a neoliberal direction by remaking areas that resisted her drives towards increased individualism.

Alex Klein (Carleton University)
State Crime: Where Does it Begin, Where Does it End?

This essay is primarily focused on the scope of criminology. One of the most pervasive issues still prevalent within the discipline is the definition of crime, as it is the boundary of this definition that structures the study's focus. If criminology is wedded to the definition of crime that is defined by the nation-state, the focus of criminology is going to be on groups with the least power within society. My purpose here is to highlight and critique alternative definitions of crime by focusing on the discourses that comprise state crime research. As such, I do not intend to create my own category or definitions of state crime; rather, my goal is to problematize the litany of already existing definitions and foundations of state crime and its study in order to highlight what I perceive as fundamentally problematic conceptions that are detrimental to the scholarship.

I will break this essay down into four sections, beginning first with an outline of the theoretical orientations of state crime research, including the contributions of Edward Sutherland and his conceptualization of white-collar crime. Next, I will outline some of the primary authors and their contributory works within state crime research in order to highlight the immense variety of scholarship not only in content but also in focus. Following an outline of state crime research, there is a necessity to highlight some *alternative* theories, specifically the focus away from definitions of crime and criminality with an emphasis to theorizing social harm and violence. Lastly, I will problematize the ontological foundations of state crime research and articulate how this scholarship rests upon incorrect criminological presuppositions.

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Closing Remarks: 3:30pm – 3:45pm

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After Conference Social: 7:00pm ~
Location: TBD

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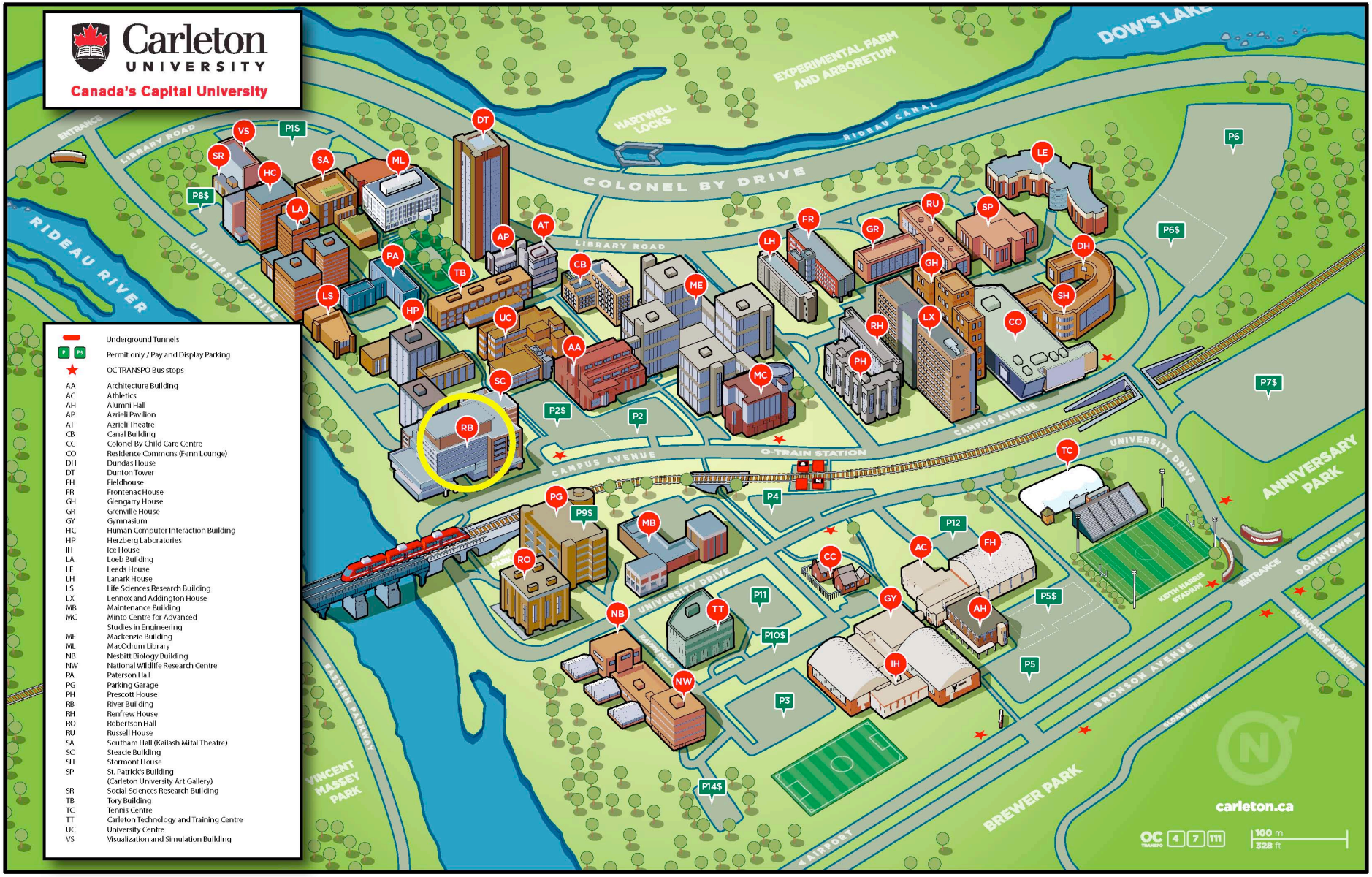
Directions & Maps: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OC TRANSPO Bus stops
AA Architecture Building
AC Athletics
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AT Azrieli Theatre
CB Canal Building
CC Colonel By Child Care Centre
CO Residence Commons (Fenn Lounge)
DH Dundas House
DT Dunton Tower
FH Fieldhouse
FR Frontenac House
GH Glengarry House
GR Grenville House
GY Gymnasium
HC Human Computer Interaction Building
HP Herzberg Laboratories
IH Ice House
LA Loeb Building
LE Leeds House
LH Lanark House
LS Life Sciences Research Building
LX Lennox and Addington House
MB Maintenance Building
MC Minto Centre for Advanced Studies in Engineering
ME Mackenzie Building
ML MacOdrum Library
NB Nesbitt Biology Building
NW National Wildlife Research Centre
PA Paterson Hall
PG Parking Garage
PH Prescott House
RB River Building
RH Renfrew House
RO Robertson Hall
RU Russell House
SA Southam Hall (Kailash Mital Theatre)
SC Steacie Building
SH Stormont House
SP St. Patrick's Building (Carleton University Art Gallery)
SR Social Sciences Research Building
TB Tory Building
TC Tennis Centre
TT Carleton Technology and Training Centre
UC University Centre
VS Visualization and Simulation Building
DOW'S LAKE
EXPERIMENTAL FARM AND ARBORETUM
HARTWELL LOCKS
RIDEAU CANAL
RIDEAU RIVER
COLONEL BY DRIVE
LIBRARY ROAD
UNIVERSITY DRIVE
CAMPUS AVENUE
O-TRAIN STATION
ANNIVERSARY PARK
KEITH HARRIS STADIUM
BRONSON AVENUE
BREWER PARK
VINCENT MASSEY PARK
EASTERN PARKWAY
ENTRANCE
DOWNTOWN
carleton.ca
100 m
328 ft