

Course Outline

COURSE:	LAWS 3005A – Law and Regulation
TERM:	FALL 2018
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: Fridays 11:35 – 14:25 (Mandatory Attendance) Attendance will be recorded and graded. Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Jay Ramasubramanyam
CONTACT:	Office: B442 Loeb Building (Contract Instructor's Office) Office Hrs: Mondays 10:00am – 12:00pm or by appointment Email: jay.ramasubramanyam@carleton.ca

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: 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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 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

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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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

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: students.carleton.ca/course-outline

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/>

CALENDAR COURSE 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 DESCRIPTION

Regulation is an essential purpose and a critical challenge for law and policy in the modern age. It is not only essential, but also equally ubiquitous. Though law and regulation have had a long-standing interrelationship, new approaches to regulation are constantly emerging outside the limitations of our disciplinary thought. With emerging crises worldwide, a more holistic approach is required for the study of law and regulation. This course envisages to address the role of law in local and global regulatory regimes and examines law's place in the development of pluralistic and contemporary regulatory policy. With the help of various themes and topics, the course will chart the interaction between law and policy in various regulatory regimes. The 'real-life' or applied scope of the course will centre on identified regulatory demands and crises that anticipate a legal dimension in their resolution. The social, commercial and political contexts

of the course envisage change as the central theme. The student will be exposed to cutting-edge regulatory thinking and will be skilled to confront the demands of regional and international regulatory practice.

With the resurgence of the political right globally and an ever-changing world, several questions arise on the extent to which law and regulation play role in our day to day lives. One of the critical notions, that have become more and more commonplace with respect to law and regulation has been our increased awareness of individual liberties. Stricter regulatory mechanisms are becoming clearer with the increased regulation of migrants and refugees, attacks on the press, that have manifested into serious debates on free speech and freedom of expression, and most importantly our ability to make choices has come under scrutiny of the new political forces at play. With more aggressively xenophobic and nationalistic policies at play, the topic of law and regulation needs to be studied with greater nuance.

This topic could not come at a better time, when engaging with questions on regulatory mechanisms beginning with some of the foundations of regulation to more contemporary notions of the same. As opposed to a visceral understanding of the interrelationship between law and regulation, we will critically engage with individual topics governing law and regulation and enable students to arrive at an analytical understanding from varied perspectives. Such critical analysis will require an ability to deploy a range of effective skills and strategies, more specifically linking the foundations of regulation to some of the more specific case studies and contemporary global crises to arrive at a better understanding of the topic. The course will introduce students to a range of interdisciplinary approaches to regulation and detract from a strict disciplinary approach.

LEARNING OBJECTIVES

Students who successfully complete this course should be able to:

1. Have a basic understanding of law and regulation theory and critiques of the same;
2. Gain a better understanding of the conundrum facing the world with respect to regulatory mechanisms and their impacts on individual liberties among many other aspects of day to day life
3. Outline effective research strategies for shaping a research project in law and regulation at the undergraduate level;
4. Recognize how to effectively use interdisciplinary perspectives in research – for example: case study exercises etc.;
5. Apply critical and analytical thinking to the material prescribed in the class.

In order to enable you to achieve the learning objectives I will do my best to do the following:

- Organize the course material and undertake the requisite research to prepare coherent and engaging lectures and tutorials
- Encourage and motivate you engage in lively interactions in a respectful and tolerant manner in the classroom
- Maintain regular office hours for those students who wish to meet with me in person and be available on appointment
- Respond to electronic communication in a timely manner (usually within 2 business days)
- Prepare evaluations (tests, assignments, presentations etc.) that fairly assess your ability to engage with the content of the course and your developing skills as a university student
- Ensure your assignments are marked fairly and in a timely manner (usually within two weeks) and that you receive adequate meaningful feedback where appropriate
- Seek appropriate feedback about the course and its content, and reflect and act upon this feedback to improve the course when appropriate

In order to achieve the learning objectives, you should be able to:

- Complete assigned readings and attend class regularly
- Avoid distractions while in class (such as social media) in order to maximize your ability to interact and engage with the material, fellow students and the instructor
- **Ensure that your interaction with other students and the instructor is respectful and tolerant of opposing views, different ways of learning or participating (This is critical as this is likely to happen in this particular class)**
- Ask questions (in person, or electronically) when you are having difficulty understanding the material or any course relevant questions
- Manage your schedule to ensure that you have adequate time to prepare for class and complete assignments in a manner that reflects your best work (this includes time for research, writing, reviewing and editing written submissions).
- Ensure that the work that you submit for evaluation is of good quality and is your own; please make sure that you reference aspects of your work that is not your own to clearly identify where you have relied upon the work of others to support your own ideas and arguments
- Read and carefully consider the evaluation and feedback provided on your assignments by TAs and instructor

COURSE FORMAT**Lectures**

The course involves lectures. The three hours of class will involve lectures delivered by the instructor. The lectures are designed to introduce students to the importance of discussions on law and regulation, critiques in the current political climate and many other related discussions. The lectures also envisage to provide students with some foundations for analytical and critical thinking of the topics at hand and facilitate the analysis of different types of primary and secondary sources law and regulation.

COURSE THEME

The course is organized around the theme of **Law and Regulation amidst Global Contemporary Crises**. **The theme is used to signify the extent to which the resurgence of the radical right globally has had its impacts on creating new and emerging crises. These crises continue to have a telling effect on individual liberties and brings up a range of issues on identity politics. The title of the theme is in no way a tool to essentialize the significance of the political right on the interrelationship between Law and Regulation... while these crises have existed for years, our ability to understand its impacts have increased with our ability to obtain information in a heartbeat.**

The concept of law and regulation amidst contemporary crises presents us with unique challenges on our ability to understand this interrelationship better. While regulatory mechanisms have existed as safeguards, those very mechanisms have begun a slow and gradual process of intrusion into age-old liberties of individuals and communities alike. While grandiose frameworks of human rights principles exist to “protect” us, those principles have also proven to be ineffective and idealistic.

However, the increasing brazenness of right-wing political forces have raised renewed conundrums with regulatory mechanisms and their legal dimensions. The fragile nature of democratic structures has become apparent with rapid political changes in recent years and state interests continue to take precedence over

protection of individual liberties. Mechanisms that enabled states and citizens to co-exist are on the brink of collapse with the recalibration of the 'terms and conditions' of that relationship. With systematic exclusion of certain groups to regulating their very presence, nation states as we know them to be, are declining and fissures have emerged in the effectiveness of political membership. Such fissures can be considered as hotspots for discussions on regulatory mechanisms to take place. In the need to move away from crises to ordering, many communities have now come together with less freedom and less time to fight against an inherent sense of oppression. For some communities, an Orwellian nightmare of epic proportions have emerged, and their futures look dystopian. But this has resulted in a communitarian force of sorts that have resulted in movements to challenge such modes of regulation. This has marked an interesting transition from self-interest to mutual interest – a regulatory sociability of sorts.

Among some of the topics we will cover, gun regulation, marijuana regulation, regulation of migrants and refugees, regulation of identity and body, law and governance of cyborgs, artificial intelligence, social media regulation and regulation of judiciary will stand out as important topics. We will disentangle a range of questions with the help of such topics and come up with a critical bend on regulatory norms. This would be of significance in this course and many others you will undertake throughout your university education, as they would enable you construct coherent analyses and arguments.

Lectures and tutorials will draw on material related to law and regulation. The theme provides a general backdrop of the crisis and conundrums associated with this topic. The theme envisages to cover as many common interests and experiences as possible. Since students are likely to have varied interests, the course theme is designed to provide a coherent and linked structure to cover a range of material (readings and primary sources) and methodological questions.

Some of the questions linking the theme with the course objectives include:

1. What questions emerge in our understanding of regulatory mechanisms and governance given the rapid changes in political climate in recent years?
2. What overarching linkages can be made with, the ongoing resurgence of the radical right, and its impact on law and regulation?
3. How (and why) do we use some of the foundational aspects in search of answers to questions on challenges to regulation?
4. How can we conceptualize or understand law and regulation today?

COURSE MATERIALS

A. REQUIRED READINGS:

Journal articles, chapters from books, and editorials/op-eds/opinion pieces from magazines and newspapers:

There is no required textbook for this class. Instead, the required readings will consist of journal articles, chapters from books, newspaper articles, and other editorial and op-ed pieces. These resources are meant to give you an unbiased and fuller picture of the issues at hand. Many of these articles would be written from varying standpoints ranging on the scale from radical left to the radical right. These will be available through links on the cuLearn home page. Some of these readings are indicated on the Schedule of Lectures and Tutorials (posted on cuLearn). Students will be expected to retrieve copies of these readings and read them in preparation for the appropriate lectures and tutorials.

B. OTHER WEB-BASED RESOURCES:

The lectures and tutorials in this class are supported by a variety of materials available through cuLearn. These supporting materials include, captivating videos, YouTube videos, lecture notes and power-point slides. Students are responsible for reviewing these supporting materials before the lectures or tutorials they are meant to support.

EVALUATION

This course is DEMANDING AND INTENSIVE. It will require considerable ongoing attention every week. Generally, there is something due periodically. These components are explained in detail below. Please review carefully and note all requirements and due dates.

We know that this is a lot of work for you (and for us) and that the course may seem heavier than your other courses. However, this course is foundational in your Law Program. It is designed to provide you with the opportunity to develop skills and understanding of the topic at hand which will serve you well in your other law courses. The course is also designed to encourage you to stay engaged with the material being covered each week. Notably, the evaluation of the course rewards students who stay engaged, submit the weekly exercises on time.

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.

LATE PENALTIES**ASSIGNMENTS**

Late Assignments will be penalized as follows:

- Deduction of 5% marks per day of delay in handing the assignment after the due date
- If an Assignment is handed in more than seven days late, it will be accepted towards course completion but will receive **zero** marks.

EXTENSIONS FOR THE ASSIGNMENTS

Students can request an extension on Assignments for serious illness or family and personal emergencies. They will be required to provide official supporting documentation. Students requesting an extension **MUST** contact the course Instructor prior to the assignment deadline. Your TA cannot grant extensions.

Extensions will not be granted for computer problems of any kind. We **URGE** you to back up your work as you go along: email a draft to yourself whenever you finish a segment of work on it or copy it to a USB thumb-drive or an external hard drive.

Evaluation Component	Value	Due Dates
ASSIGNMENTS		
There are FOUR Assignments in the course. All assignments must be submitted as hard copies in-class to your instructor or TA. Full instructions will be provided closer to time.		
Critical Reflection Paper 1 This assignment will offer either a critical analysis of a key issue from the topics discussed in class or assigned readings or make	20%	September 28, 2018

an independent argument on the basis of the material covered in class. You choose the issues addressed in the readings that you write about in 5-6 pages (double-spaced).		
Critical Reflection Paper 2 The purpose of this assignment is similar to the first critical reflection post. Critical reflections should mainly rely on your critical analysis and conceptual arguments, but you are also free to use outside research. You may, however, refer back to texts we read earlier in the course. As for the topic, students are free to use any material from this course. The writing style for these posts are not rigorous.	20%	October 19, 2018
Critical Reflection Paper 3 This assignment will be similar to the first two assignments.	20%	November 9, 2018
Research Paper This assignment will require students to research on, and engage with a given topic. This topic must use the key pieces of literature provided in the course. The Research Paper allows you to develop a more sustained and complex argument. The desired length is 10-12 pages (double-spaced, excluding bibliography).	40%	November 30, 2018
Important Notes on Evaluation: You must complete all components of Evaluation to receive a passing mark in the course. Feedback: You will receive a marking feedback and evaluation sheet with comments when your Assignment marks are posted. You should wait 48 hours before emailing if you have questions on your marks. Please make your queries specific and detailed so that we can review your points and get back to you. Keep a copy: Keep a copy of all assignments and other submissions until your final grade is confirmed. Individual work only! See discussion of Academic Integrity.		

COURSE SCHEDULE: LECTURES, TUTORIALS, DUE DATES FOR EVALUATION

Subject to revision. Please review carefully and mark down due dates in particular.

Week		Lecture
1.	Topic	September 7 Introduction to the course
	Material	Please read the Course outline
2.	Topic	September 14

		<p>Law and Regulation: An uneasy interrelationship</p> <p>This week, we will raise critical questions on what law and regulation represents in general. We will problematize the concept with the help of critiques from scholars and lay the groundwork for the rest of the course. Most importantly we will think about the concept from the standpoint of ongoing political movements.</p>
3.	Topic	<p>September 21</p> <p>From chewing gum to Chernobyl: Contemporary dilemmas in regulatory mechanisms</p> <p>This week we will raise questions on the relationship between law and regulation amidst contemporary challenges. With every aspect of our daily life under scrutiny by governments and civil society alike, we will explore the extent to which, regulatory norms on something that might seem benign are pitted against some of the larger questions on regulation such as gun control. We will begin to wrangle with critical perspectives on regulation from this week.</p> <p><i>We will spend time on covering the first assignment</i> WORKSHOP: How to write a Critical Reflection Paper?</p>
4.	Topic	<p>September 28</p> <p>Pulse, Las Vegas, Parkland, and the list goes on...: What the hell is the gun debate about?</p> <p>This week we will pay special attention to one issue that hits closer to home – the debate around regulation of bearing arms. Why on earth is the Second Amendment of the US Constitution a stick in the mud with respect to bringing in positive changes to gun ownership? Is there even a middle-ground with respect to debates on gun control?</p>
	Complete by September 28	<u>DUE: September 28 CRITICAL REFLECTION PAPER 1</u>
5.	Topic	<p>October 5</p> <p>Identities and bodies: What does legal regulation mean about the way I can live?</p> <p>This week we will begin to pay special attention to the legal dimensions that concern identities and bodies. We will begin by looking into some of the issues that we will disentangle in the next few weeks. With the rise of the radical right, we begin by looking into how certain people, by virtue of the bodies that they occupy, are governed by the law and are regulated into a</p>

		pseudo-standardized society.
6.	Topic	<p style="text-align: center;">October 12</p> <p style="text-align: center;">Why are certain bodies regulated a certain way?: Power and its legal dimensions amidst such issues.</p> <p>We will continue to spend time on identities and bodies this week but with specific attention to issues surrounding race, religion, sexuality and gender. Once again, with the rise of neo-conservatism and extreme political right, we have seen an increase in the way society perceives and regulates certain individuals and communities. We will explore the power certain ideologies have managed to muster in order legitimize such practices of regulation. This week, we will try to challenge the extent to which whiteness and its manifestations have created fissures and have continued to normalize exclusionary modes of regulatory norms. We will raise some questions on the impact it has on human rights.</p>
7.	Topic	<p style="text-align: center;">October 19</p> <p style="text-align: center;">'Refugeehood' as a condition of life and identity: The impacts of border regulation</p> <p>This week we will attempt to understand the debates surrounding refugees and migrants – an issue of great significance. While regulating borders and securitizing migration we will look into the extent to which the aspect on 'right to have rights' have been debased. Based on the condition of refugees and migrants on the move today, we will attempt to disentangle the conceptualizations that have been put forth by those in power. We will try to understand how an individual's identity as a refugee manifests into precarious political and human standing as a result of their existence in exceptional spaces where their actions, speech, and opinions have been rendered ineffective.</p>
	Due In-class: October 19	<u>DUE: October 19 CRITICAL REFLECTION PAPER 2</u>
		<p style="text-align: center;">October 22-26 Mid-Term Break No Classes Office hours (10.00-12.00 Monday or by appointment)</p>
8.	Topic	<p style="text-align: center;">November 2</p> <p style="text-align: center;">My body my rights: Is regulation of bodies purely about identities?</p> <p>While continuing with the theme of identity politics, we will raise a slew of questions on how we make sense of law and policy</p>

		around regulating identities and bodies. From the one-sided niqab debate to oppressive regimes around trans folks, the coercive powers of law and policy has become more apparent with regimes that lean towards the right-wing spectrum. While trying to find the root of the moral and securitized arguments around such aspects, we will explore their manifestations on law and policy with case studies from around the world.
9.	Topic	<p style="text-align: center;">November 9</p> <p style="text-align: center;">Are Cyborgs new humans?: How does the advent of implantable technology in human bodies manifest governance?</p> <p>While continuing with the theme of identity politics, we will raise questions on how we make law and policy regulating human interactions with ubiquitous machines like cyborgs that mediate so much of our lives. Some may argue that we are in fact, reaching the very beginnings of cyborg law. That is to say that the law of augmented humans is no longer a distant reality. We will bring some interesting and amusing aspects of such interactions, and the implications on law and policy</p>
	Due In-class: November 9	<u>DUE: November 9 CRITICAL REFLECTION PAPER 3</u>
10.	Topic	<p style="text-align: center;">November 16</p> <p style="text-align: center;">Regulation of the media and social media: What happened to my privacy?</p> <p>One of the more recent issues that have come up with respect to regulation is that of social media and more importantly the media’s role in influencing civil society. With conglomerates like Facebook, Google and Twitter under fire for violating the privacy of many of us and influencing decision-making, we will explore the role that such regulation plays in recalibration of societal values. Demagogues like Trump have also used the media as a scapegoat to stifle free flow of information. With the use of the phrase “Fake News” right-wing leaders have created a new “enemy of the people”. With such rampant issues disabling our ability to express our views freely, we may have entered a new dystopian era and the age we are in, seems Orwellian. This week we will engage with material on how such aspects govern the way we view our sense of privacy.</p>
11.	Topic	<p style="text-align: center;">November 23</p> <p style="text-align: center;">What epoch is this?: Environmental disasters and de-regulation of environmental protection norms</p> <p>Needless to say, we have all seen or experienced some form of environmental instability throughout our lives. With politicians</p>

		and governments continuing to raise the stakes on communities' economic well-being, environmental regulations and protections have been thrown by the wayside. How can we harmonize such myopic tendencies with our need to maintain a clean environment in the interest of our physical well-being? How have debates around climate change transformed amidst such attitudes?
12.		DUE: DECEMBER 7 FINAL ASSIGNMENT
	Material	NO LECTURE