
COURSE:		LAWS 3005A – Law and Regulation
TERM:		FALL 2020
PREREQUISITES:		1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502
CLASS:	Day & Time:	Mondays 2:25PM-5:25PM
	Room:	All Courses in the Fall 2020 term are offered online. Lectures in this course will be delivered through a combination of prerecorded videos available on cuLearn and “live”, online discussions held each week (Mondays btw 4:15 and 5:25pm) using the Zoom online platform.
INSTRUCTOR:		Craig McFarlane
(CONTRACT)		
CONTACT:	Office:	Online via Zoom
	Office Hrs:	By appointment
	Telephone:	N/A
	Email:	craig_mcfarlane@carleton.ca

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

This course is concerned with the relation between law and regulation, broadly construed. As such, this is a course in “legal studies” and not a course in “the law.” More specifically, we will examine the role that power and violence plays in constructing the social, legal, and political order. As a result, we will study general strategies for structuring legal and political power in relation to and by the modern state. The course begins with an overview of the historical sociology of the state and some theoretical reflections on the general relation between state power and violence. The remainder of the course studies how violence, power, and the law are used to organize and structure societies, by both the state and organizations beyond the state. Given current events, we will spend some time talking about the legal, political, and social responses to SARS-CoV-2/COVID-19 and the Black Lives Matter uprisings. The course will be delivered through a combination of asynchronous recorded lectures and synchronous discussions.

REQUIRED TEXTS

All readings are available on cuLearn or online.

EVALUATION

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.

Short Essays	90% (3 x 30%)
Response Papers	10% (10 x 1%)

Short Essays (3 x 30%)

Students are required to complete three short papers (about 1250–1500 words each). These short assignments are intended to be exercises wherein the student enquires into the logic of a particular concept, argument, or passage, discussing its strengths and weaknesses, its meaning, its implications, and potential applications. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts. Students must focus on the assigned texts—i.e., those which are discussed in class—rather than relying upon secondary sources. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. The text should be set in a standard font (e.g., Times New Roman, Helvetica, Palatino) with 1” margins on all four sides. A title page is not necessary, but your name, student number, and the course code should appear in the header of all the pages. The word count for the assignment must be included. Assignments are to be submitted on cuLearn.

First assignment due October 2

Second assignment due November 6

Third assignment (note: take-home exam) due December 23

Response Papers (10 x 1%)

Students are required to write ten short response papers. There are twelve classes with readings, thus students can miss two weeks without penalty. However, because students can miss two weeks, this means that late response papers will not be accepted. Response papers are to be submitted at the start of class each week. Response papers address the readings for that week: e.g., the response paper due on September 21 discusses Benjamin. Responses should be about 300 words long and not be more than 500 words long. While it is understandable that some summary will be required in these assignments, the expectation is that students will use response papers as an opportunity to reflect upon the readings. For instance, students might relate one set of readings to a prior set, or they might relate the concepts developed in the readings to a current event, or students might demonstrate how the readings relate to their own life experiences. Responses are marked on a pass/fail basis. If the response is submitted on time and properly completed, then the student “passes” and receives

1.0 mark. If the response paper is not submitted on time or improperly completed, then the student “fails” and receives 0 marks.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

COURSE DELIVERY

This course will be offered in a hybrid format. Weekly lectures in video and/or audio will be posted to cuLearn (or similar distribution platforms). These lectures will be about an hour long and will serve to introduce the material. Additionally, each week on Monday the class will meet from 4:15-5:30PM Eastern time for discussion on Zoom.

ZOOM ETTIQUETTE

The instructor will participate in Zoom using video and audio. Students are *encouraged*, but *not required*, to do the same. Students should keep their mics muted unless speaking so as to minimize distraction. Students are not expected to use cameras, but can do so or not do so at their own discretion. Students should use the “hand’s up” feature to speak in class or the chat box. Students who do not feel comfortable can also email questions to the instructor and I will do my best to monitor email during class. Under no circumstances should students take screenshots of one another or record the discussion.

SCHEDULE**September 14 — Introduction**

No assigned readings.

September 21 — Violence

Benjamin, Walter. "Critique of Violence." In *Reflections*, edited by Peter Demetz, 277–300. New York: Schocken, 1978.

September 28 — Sovereignty

Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Chicago: University of Chicago Press, 2005. (Pages 5–15 and 36–52)

October 5 — Governmentality

Foucault, Michel. *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*. Edited by Michel Senellart and Arnold I. Davidson. New York: Palgrave Macmillan, 2007. (Chapter 4)

October 12 — Thanksgiving: No class**October 19 — Liberalism**

Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*. Edited by Michel Senellart and Arnold I. Davidson. New York: Palgrave Macmillan, 2008. (Chapters 2 and 3)

October 26 — Fall Break: No class**November 2 — Neo-liberalism**

Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*. Edited by Michel Senellart and Arnold I. Davidson. New York: Palgrave Macmillan, 2008. (Chapters 9 and 10)

November 9 — Homo Sacer

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford UP, 1998. (Pages 5–28)

November 16 — Biopolitics

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford UP, 1998. (Pages 105–12 and 137–47)

November 23 — Police

Guest: Alex Vitale, Brooklyn College

Singh, Nikhil Pal. *Race and America's Long War*. University of California Press, 2017. (Pages 35–74)

November 30 — Gunpower

Guest: Patrick Blanchfield, Brooklyn Institute for Social Research

Reading to be announced

December 7 — Neoliberalism's Demons

Guest: Adam Kotsko, North Central College

Kotsko, Adam. *Neoliberalism's Demons: On the Political Theology of Late Capital*. Stanford UP, 2018. (Pages 11–38)

December 11 — Catch Up (If Necessary)

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Religious obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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) <https://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: <https://carleton.ca/registrar/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: <https://carleton.ca/studentssupport/svpolicy/>

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: <https://students.carleton.ca/services/accommodation/>

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: <https://carleton.ca/law/current-students/>