

Course Outline

COURSE:	LAWS 6002/5662 – Law, Regulation and Governance
TERM:	Fall 2021
CLASS:	Day & Time: Mondays, 2:35 – 5:25 p.m. Room: 608 Robertson Hall In-person course, weekly
INSTRUCTOR:	Sheryl Hamilton
CONTACT:	Office: Richcraft Hall 2306 and Loeb 463 Office Hrs: In person/Zoom Tuesdays 9:30 – 11:30 a.m. or by appointment Telephone: 613-620-2600 x1975 or x1178 Email: Sheryl.hamilton@carleton.ca

CALENDAR COURSE DESCRIPTION

Historical and contemporary roles of law and regulation in processes, practices and discourses of governance. Law and state; domestic and global governance; diversity of law-governance relationships; law as a constituent force, enforcement mechanism and a distinctive product of governance.

COURSE DESCRIPTION

This course invests in and begins from the claim that “[m]odern governmentalities act on and inhabit the body” (Linke 2006: 206). In this interdisciplinary seminar, we will explore some of the myriad complex ways in which bodies are regulated within contemporary apparatuses of governance. And while bodily regulation implicates formal technologies and techniques of ‘the law,’ it also makes legible relations of ‘legality,’ namely the ways in which actors, processes and structures coded as law act in society, including at the level of the everyday (Ewick and Silbey 1998).

Governance thinking directs us to the relations and rationalities of governing. It unpacks the ways in which quotidian regulatory practices are shaped by larger governing logics which make rather than discover, their objects of intervention. Sites of governance are thus spaces where technologies of power and technologies of the self intersect (Walters, 2011: 15). One of the central contributions of governmentality theory is to recognize that governance operates in ways that are not always top-down. Rather, contemporary subjects are often induced by regulatory systems to modify their own behaviours in relation to particular norms, to self-govern.

Governance is thus productive, validating governing institutions, elevating certain knowledge-making practices, generating expertise and experts, articulating norms, and rendering certain social problems and objects knowable and thus governable. In this way, regulation is fundamentally normalizing. Yet as subjects, we neither precede, nor are determined by those norms. Judith Butler reminds us that, “[n]orms act on us from all sides, that is, in multiple and contradictory ways; they act upon a sensibility at the same time that they form it; they lead us to feel in certain ways, and those feelings can enter into our thinking even, as we might well end up thinking about them” (2015: 5).

This course asks, what happens when certain subjects are ‘problems’ to be regulated? How are subjects governed in, on, and through their bodies and specific embodiments? Through which types of body knowledges are norms generated? How do those norms act differently in relation to different bodies and subjects, different modes of embodiment? How do we make those norms visible in order to engage with, problematize or jettison them? In short, we will examine how systems of governance act on bodies and embodied subjects shaping our ways of living and dying, loving, moving, and being in the world.

REQUIRED TEXTS

All readings will be available through the course site on Brightspace.

LEARNING OBJECTIVES

In this course, students will:

- Learn the foundations of governmentality theory;
- Learn some of the ways in which bodies and embodiment have been theorized;
- Acquire substantive knowledge of various domains of bodily regulation;
- Develop precision in their theoretical and analytic vocabularies;
- Practice critical reading, discussion and writing skills;
- Engage in critical self-reflection about their own embodiment and social positioning;
- Recognize the ways in which law exceeds its formal structures and bubbles through everyday life;
- Experience the interdisciplinary nature of critical legal studies;
- Learn sound practices of constructive peer evaluation; and
- Conduct original inquiry in the genre of the research paper (with attention to the development of a viable, focused thesis statement, determining research questions, selecting appropriate methods and methodological orientations, selecting and applying appropriate theoretical constructs, evaluating relevant scholarly literature, conducting an analysis, and making an original argument).

EVALUATION

All components of the following evaluation must be completed in order to receive a passing grade in the seminar.

Standing in the 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.

There are four major components to the evaluation:

1. Weekly seminar attendance and participation 15%
2. Discussion questions on readings 15%
3. Written answers to selected discussion questions 15%
4. Final Research Paper worth (comprised of the following)
 - Research abstract (pass/fail)
 - Research proposal 10%
 - Written peer feedback 5%
 - Presentation on final paper 10%
 - Final paper 30%

If you have any questions about the assignments not addressed below, please ask me immediately.

Seminar Participation

This course will operate as a seminar. You are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing relevant experiences, active listening, and critically analyzing the course materials and your own position. Effective participation is premised upon completing the assigned readings every week, being prepared to discuss them in an informed manner, making constructive interventions to facilitate the production of group knowledge, and listening to colleagues with attention and respect. The expectation is that you will have completed all of the readings every week in a careful manner that enables their critical discussion in class.

Lateness and/or absence without a legitimate reason (ideally communicated in advance) will impact your participation grade.

A graduate seminar can be a place where any of us can feel vulnerable. Intellectual discussions are not always easy and we will not always agree. We are, however, all expected to work to make the classroom environment a safe space of respect where everyone feels comfortable sharing their ideas, their questions, and their views. If, at any time, you are not feeling safe in the class, please speak to me as soon as possible so that we can address the situation.

Discussion Questions on Readings

Each student will be responsible for preparing materials to animate a critical intellectual

discussion of the readings in a particular week. Weeks will be assigned by random draw on the first day of class. Discussion Questions should take the following form:

1. one question which selects a specific challenging or intriguing passage from one of the readings and offers a series of probes to unpack, trouble, engage, elaborate upon, etc. that author's point. This can be a passage with which you are confused, annoyed, stimulated, thrilled, etc. but should be complex enough to warrant our specific attention (the close reading question);
2. one question which draws critical epistemological or theoretical connections across a number (but not necessarily all) of the readings for that week (and/or to earlier weeks' readings) (the theory question); and
3. one question which selects an instance, event, or phenomenon to illustrate or elaborate upon the concept upon which that week's materials focused and enables an application of some of the ideas, critiques, concepts, and so on from the readings to the phenomenon selected. The example may be selected to elaborate upon, critically engage with, illustrate or trouble points in the readings. It can be in any medium and/or genre (the applied question).

Your discussion questions should be circulated to all members of the class and myself by 6 pm on the Friday prior to your assigned week. Everyone should review the questions prior to the beginning of class.

Please keep in mind that the primary goal of the questions is to simulate a rigorous, theoretically rich, and critical discussion of the readings and the issues they are exploring. Questions should seek to elicit analysis, not opinion or belief. To this end, they should not be answerable by "yes" or "no," "good or bad," or "loved it or hated it." The objective of this component of the evaluation is to showcase your ability to read critically, to make connections to other ideas and to the world around you, and to creatively engage with intellectual writing of varied sorts. This is not an exercise in describing the readings. All questions should begin from the premise that all members of the class have read the readings carefully and are ready to discuss them at a high level. At the same time, once a question begins to resemble a small book, it becomes very challenging to answer. Please keep that in mind. If your questions exceed one page (single spaced) of text, you may want to revisit them.

Given the size of class enrollment, dates will be assigned by random draw, please let me know on or before the first class if there is a particular week where you will not be able to prepare questions.

Written Responses to Discussion Questions

On three weeks other than those in which you have prepared your own discussion questions, select one question from a classmate's discussion questions and prepare a written answer to it of approximately 1000-1,200 words (i.e., you will do this three times). For your three responses, you should answer one close reading question, one theory question and one applied question. (None of your three responses can be from questions in the same week). These are due through

CULearn on **December 2**.

Final Research Paper

You should select a topic or issue within the area of law, regulation and governance of the body that engages your interests and prepare a research paper that makes a persuasive case for an original, grounded claim. Typically, a research paper will analyze ‘something’ to make the case and will include attention to related scholarly literature, theory, and methodology/method. The following assignments are scaffolded to assist you in developing a robust, quality research paper.

Research abstract – Due October 4

You should prepare an approx. 300-word abstract detailing the topic for your final paper. This will be graded pass/fail but will allow me to give you early feedback. You should consider what problem you are taking up, how you will study that problem (method and methodology) and how you might analyze it (theory). You should have completed some preliminary research into your topic and include a bibliography of at least 5 relevant and specific academic sources.

Research Proposal – Due November 1

The research proposal builds on your abstract providing a more detailed articulation of your project, some contextual and background information, a synopsis of the extant literature on the topic and how you are intervening in it, your central argument and its points, your methodology and methods, and the theoretical concepts you will use to conduct your analysis. The proposal should be between 2000-2500 words (not including bibliography and end/foot notes) and should include a bibliography.

Peer Feedback – Due November 15

You will be asked to provide constructive feedback in writing on 3 of your colleagues’ research proposals. A guide will be provided to aid you in doing this and you will be assigned proposals to read by random draw. This feedback will be circulated via email to the relevant students only, and cc’d to me.

Presentation of Draft Final Paper – Taking place December 6 and 10

The last two classes are devoted to presentations of your draft papers and receiving oral feedback from your peers and me. You should prepare an approximately 5-10 minute presentation (please time yourself) which will be followed by 5-10 minutes of questions and feedback. 50% of your grade for this component is based on your presentation, while the other 50% is based on your level of engagement with your peers’ work.

Final paper – Due December 17

Final papers should be approx. 6000-6500 words and prepared in standard format (2.5 cm margins on all sides, double spaced, either indented paragraphs or extra line between paragraphs but not both, cover page with an original title reflecting the central claim of the paper, page numbers, 12-point font, all quotes +3 lines offset, footnotes or endnotes, bibliography, etc.). Feel free to use whatever citation style you prefer.

An effective research paper is grounded in a significant amount of primary and secondary research and the expectation is that your bibliography of secondary sources would feature a minimum of 20 relevant sources, and quite possibly more.

INFORMAL ACCOMMODATIONS

Formal accommodations are addressed in the last pages of this syllabus. If you have any other special needs as a student not addressed or not addressed adequately by existing policies, and that would benefit from an informal accommodation to maximize your learning experience (employment, travel, child or elder care, etc.), please speak to me at the beginning of the term so that we can arrange a mutually satisfactory approach to meeting the course requirements and objectives.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late papers will be penalized 5% per day, including week-ends, unless prior arrangements have been made or an extraordinary circumstance provides a legitimate reason for the late submission.

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).

SCHEDULE

PLEASE NOTE THAT READINGS FOR SUBSTANTIVE WEEKS ARE BEING FINALIZED

September 13 Introduction

Among other introductory matters, you will be asked to briefly introduce yourself to your classmates and me, providing us with your name, your program, some of the research areas/questions that wake you up at night, and something interesting about you (which may have nothing to do with school) that you'd like to share to help us know you better as a person.

September 20 Regulation and Governance Foundations

September 27 Thinking about the Body

October 4	Genes R Us: Biopolitics and Bio-Somatic Regulation
October 11	Thanksgiving Holiday
October 18	Sensuous Governance: Regulating the Sensing Body
October 25	Fall Break!
November 1	Risky, Reproducing Bodies
November 8	Body Work and Self-Regulation
November 15	Surveilling Racialized Embodiment
November 22	Schooling the Body, (En)forcing Gender
November 29	Property, Waste, Ghosts and Selves: Managing the “dead” body
December 6	Final Paper Presentations
December 10	Final Paper Presentations

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton’s COVID-19 response and required measures, please see the [University’s COVID-19 webpage](#) and review the [Frequently Asked Questions](#)

([FAQs](#)). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy 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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

Academic Accommodations for Students with Disabilities: [The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact 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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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For more information on academic accommodation, please 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/student-experience-resources/>.