

COURSE OUTLINE

Carleton University Department of Law and Legal Studies

Course: LAWS 5662/6002 – Law, Regulation and Governance
Term: Winter 2021
Instructor: Dr. Ummni Khan
Day: Monday
Time: 2:30-5:30
Room: ONLINE (Zoom)
Contact: Office Hrs: By appointment
Email: ummni.khan@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 approaches law, regulation and governance from an interdisciplinary perspective, engaging with both abstract notions and concrete applications of theory. Drawing on a range of methodologies, mediums and theories, the course focuses on anti-oppression, decolonization, and self-reflection in relation to governance and governmentality. In our discussions, we will compare and contrast the different theories, politics, ontological assumptions, epistemological methods, aesthetic features and rhetorical choices of each text.

This is a rigorous class that demands full participation throughout the term through challenging material, weekly discussion, weekly written assignments, facilitation, presentations, peer-feedback and a final research project. All synchronous classes will take place on Zoom.

REQUIRED TEXTS

Course readings will be accessible through ARES via cuLearn and/or available at Library Reserves. Login to cuLearn: <https://www.carleton.ca/culearn/>

EVALUATION

(All components must be completed in order to get a passing grade)

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.

- 1) Weekly attendance and participation: 15%
 - 2) Critical summaries of every reading: 5%
 - 3) Class facilitation of at least one reading: 10%
 - 4) Final Research Paper:
 - Research abstract (ungraded, for early feedback on final paper idea)
 - Research Proposal or Introduction: 15%
 - Written peer-feedback on peers' research proposals: 5%
 - Presentation on final paper *and* oral feedback on peer presentations: 10%
 - Final Assignment: 40% (Due April 14, 2020)
- 1) Attendance (every week): Participation is evaluated through your ability and willingness to contribute to open class discussions, engage in active listening, respect divergent viewpoints and self-interrogate. Lateness and absence without a legitimate reason will impact your participation grade. However, given the challenging times, please contact me if you are unable to attend.
 - 2) Critical summaries (every week material is assigned): For each text, you must provide a critical summary and reflection, which is submitted at least 2 hours before class through culearn. These are graded as pass/fail. A critical summary provides a succinct overview of the reading and then offers some critical reflection on its significance. This means considering and reflecting on one or more of the following: the genre; methodology; (inter)discipline(s); epistemological and ontological commitments or assumptions; main arguments; theory (or theories) utilized or conceived; pragmatic applications; evidence provided; broader context; engagement, subversion, reflection or reproduction of hierarchy;

affective impact; corporeal responses; etc. The critical summaries should be 1000 words maximum per week.

3) Reading/class facilitation: Once during the class, you and another student or students will be assigned responsibility for engaging with the day's texts. This means that you will provide a succinct summary to the class (8 minutes maximum) of each text, discussion questions and exercises that engage with the material. As part of the facilitation, please pick one or two passages for the class to delve into together. The passage could be chosen because it is particularly provocative, or problematic, or even just plain confusing. Indeed, in many ways, it's helpful to pick the most difficult passages so that we can think together about their potential meanings and implications. The questions for discussion can include standard academic questions, but you may also engage with creative strategies such as, for example, debates; role-playing; game-show style contests; multi-sensory reflections; creative writing etc. You may divide up the tasks for that day any way you would like, but students on the same day will receive the same grade. We have break out room capabilities for small group work or discussion. Please let me know right away if there is a day that you cannot do the facilitation. Week 2 has already been assigned.

4) Research paper abstract for final paper (Due Feb 4th through culearn): This ungraded assignment requires you to write a short 200-300 word abstract describing the topic for your final paper. It will allow me to give you early feedback and suggest changes if necessary. You may include any information you want in this abstract including theoretical frames, evidence, methodology etc.

5) Research Proposal (Due February 22 through culearn): For your final paper, you must submit a research proposal that provides a general description of your final paper/project. It should identify the topic, some background information on the issue, your central argument, the main points you expect to address, the methodology, the theories and concepts you think you will draw upon, how the topic has been addressed by others, and how you will offer a unique perspective. It must be written in full sentences and should be between 1500-2500 words. It should also include an annotated bibliography, such that each entry is followed by a sentence or two explaining how the source will contribute to your final paper. You should use a standard citation style, for example McGill or Chicago style. Your research proposal and final paper should engage with at least 2 of the assigned readings. This proposal will be submitted to Professor Khan and 3-4 peers, who will provide peer feedback.

5) Written peer-feedback on research proposals (due March 1): You will read 3-4 of your peers research proposals and provide written constructive feedback. This feedback will address strengths and areas of improvement with regard to theoretical sophistication,

sentence structure and organization, evidence, clarity, originality, insight, etc. You may also provide suggestions for further readings, concepts and methodologies that could help to strengthen the project. Class on **March 1** is dedicated entirely to delivering and receiving feedback. I will create break out rooms for each group.

6) Presentation on final paper and oral feedback on peer presentations: All students must attend the last 2 classes to deliver a 5-10 minute presentation on their final papers/projects, to be followed by 5-10 minutes of student questions and feedback. You must also submit a one-page outline of your final presentation to be shared with the whole class. Ideally, the presentation should not be read out loud. Rather, I want you to speak to your major points more interactively and conversationally. Of the 10% of the final grade allocated to this presentation, 5% is based on your presentation, while the other 5% is based on the quality of verbal feedback you offer to other students. You must make at least 6 comments on other students' work during this discussion period over the course of the two weeks.

7) Final Assignment: Your final assignment must be on a topic that addresses governance, law and regulation from any vantage point or disciplinary perspective. For this seminar, a standard essay should be about 5000-6000 words. The assignment *must* draw upon at least 2 of the assigned readings in class, as well as at least 8 other readings or materials not assigned in class. As an alternative to a standard academic paper, I am open to creative interventions, including autoethnographies and multimedia pieces. However, all creative ideas must be approved by me at least 2 weeks before the proposal is due. In addition, all creative assignments must include a written gloss (3500-5000 words) that outlines how the creative project engages with the theories discussed in class, and how it makes an 'argument' about law, governance and regulation. Your final assignment must include a cover page with an original title, word count and must specify which citation style is used (APA, Chicago, McGill...). You must also include a bibliography of all sources used. You are not required to include an annotated bibliography for the final assignment.

Late papers/projects will be penalized 5% per day, including weekends, unless you have a legitimate reason for lateness. Please make sure to fill out the Departmental form to request an extension.

Accommodations and Fairness

*Accommodations are provided for illness, disability, pregnancy, health issues, care issues etc.

The final paper may be weighted more heavily to offset legitimate absences from class.

Please contact me if any issues arise regarding your ability to attend class or complete an assignment

Content Warning

**This seminar provides a challenging space for critical engagement and the open exchange of ideas. Some content will address topics that some may find upsetting or disturbing, including individual and systemic violence and oppression. Some material uses language that many recognize as offensive or demeaning. If you require accommodation when engaging with the material, please inform me.

Potential changes

***This syllabus may be updated or modified depending on the needs of the class.

SCHEDULE

WEEK 1: January 11 (asynchronous introduction to syllabus and key themes):

Do Week one's Lesson (an interactive tool in culearn):

- Course outline
- Quiz questions about the course outline
- Overview of governance, "critical" governance & governmentality
- Reflection of Overview
- Read: Horton, Richard. "Offline: COVID-19—a crisis of power." *The Lancet* 396.10260 (2020): 1383.
- Reflection questions on reading

Please upload an introduction after class, watch or listen to your peers' introductions and complete the readings for Week 2. Make sure to have your critical summaries done before next week's class.

WEEK 2: January 18 (What is governance? What is governmentality?)

Delphine DiTecco & Rachel Jobson FACILITATE:

- Make sure you have watched, listened or read student introductions
- Foucault, Michel. 1991. "Governmentality." In *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller, 87–104. London: Harvester Wheatsheaf
- Chhotray, Vasudha, and Gerry Stoker. "Governance in Socio-Legal Studies." In *Governance Theory and Practice*, pp. 120-143. Palgrave Macmillan, London, 2009.

- Kevin Pyle • Writers: Kevin Pyle & Craig Gilmore, Prison Town: Paying the Price © and TM 2005 The Real Cost of Prisons Project (<http://www.realcostofprisons.org/comics.html>)

WEEK 3: January 25 (Governance and Indigenous Contexts)

- Napoleon, Val. "Thinking about Indigenous legal orders." Dialogues on human rights and legal pluralism. Springer, Dordrecht, 2013. 229-245.
- Kiera Ladner, "Beyond Crown Sovereignty: Good Governance And Treaty Constitutionalism" in Goodyear-Grant, Elizabeth-, and Kyle Hanniman. Canada at 150: Federalism and Democratic Renewal . Montréal;: Institute of Intergovernmental Relations, School of Policy Studies, Queen's University, McGill-Queen's University Press, 2019.
- King, Thomas. "Borders." World Literature Today 66.2 (1992): 269.

Week 4: Feb 1 (Covid-19, governance and biopolitics)

- Hannah, Matthew G., Jan Simon Hutta, and Christoph Schemann. "Thinking through Covid-19 responses with Foucault: An initial overview." Antipode Online (2020). "Thinking Corona measures with Foucault"; Matthew Hannah (expanded version)
- Samuel, Abraham, Gorky Chakraborty, and K. J. Joy. "Emerging Governmentality and Biopolitics of COVID-19 in India." Economic & Political Weekly 55.37 (2020): 27.
- Theatrical Puppets (watch the following videos):
 - Foucault's Resurrection May 6, 2018 <https://youtu.be/UaDTKokjLvQ>
 - Foucault on the Coronavirus, Biopolitics, and the "Apparatus of Security" Apr 5, 2020

Play Video

- Q is for Quarantine May 3, 2020 https://youtu.be/eDcSvYF_bSE

FEB 4 DUE: Research Proposal Abstract for final paper on culearn (200-300 words)

Week 5: Feb 8 (Crip Theory, sexuality and disability justice)

- McRuer, Robert. "Disabling sex: Notes for a crip theory of sexuality." GLQ: A Journal of Lesbian and Gay Studies 17.1 (2011): 107-117.

- Shildrick M. (2013) Sexual Citizenship, Governance and Disability: From Foucault to Deleuze. In: Roseneil S. (eds) Beyond Citizenship?. Citizenship, Gender and Diversity. Palgrave Macmillan, London. https://doi.org/10.1057/9781137311351_7
- Ferrante, Charmaine Agius, and Eileen Oak. "'No sex please!' We have been labelled intellectually disabled." Sex Education (2020): 1-15.
- Lakshmi Piepzna-Samarasinha, L., & Russian, E., (2010, July 14). Video: Crip Sex, Crip Lust and the Lust of Recognition. Retrieved January 10, 2021, from Mia Mingus Blog: <https://leavingevidence.wordpress.com/2010/05/25/video-crip-sex-crip-lust-and-the-lust-of-recognition/>

Supplementary:

- Interview with Loree Erickson for the Queer Liberation Theory Project
- Robert McRuer on Crip Theory May 7, 2016
- Feder, E. (2013, September 6). Queer, disabled and desirable. Retrieved January 1, 2021, from <https://www.dailyxtra.com/queer-disabled-and-desirable-5288>

WEEK 6: Feb 15- 19 READING WEEK

WEEK 7: Feb 22

- A Guilty Pleasure (Ummni presents her work-in-progress on the intertwining governance of feminism, scholarship, social sciences and law in constructing rap music as a problem.)
- DUE: Research paper outline/intro to prof & your peers:

WEEK 8: March 1

- DUE: PEER FEEDBACK on 3-4 papers
- Peer-review feedback session (read 3-4 of your peers outlines/intros, provide written feedback and discuss together).

Week 9: March 8 (The Governance of White Supremacy and Anti-Black Racism)

- Noah, Trevor. *Born a Crime: Stories from a South African Childhood*. New York: Spiegel & Grau, an imprint of Random House, 2019 (Part I).
- Alexander, Michelle. 2011. "The New Jim Crow." *Ohio State Journal of Criminal Law* 9 (1): 7.
- Desmond Cole hosts Maclean's Live with a panel of Black Canadian writers
 - Esi Edugyan, author of the Giller Prize-winning novels *Half-Blood Blues* and *Washington Black* (<https://www.harpercollins.ca/author/c...>)
 - Robyn Maynard, Vanier Scholar and award-winning author of *Policing Black Lives: State violence in Canada from slavery to the present* (<https://robynmaynard.com/>, <https://fernwoodpublishing.ca/book/po...>)
 - Syrus Marcus Ware, Vanier Scholar, a visual artist, community activist, researcher, youth-advocate and educator (<https://syrusmarcusware.com/>)
 - Ian Williams, poet and novelist, professor of creative writing at the University of British Columbia, author of the Giller Prize-winning novel *Reproduction* (<http://www.ianwilliams.ca/books>)
- Ummni returns outlines

Week 10: March 15 (Governance Feminism)

- Halley, Janet, "Where in the Legal Order Have Feminists Gained Inclusion?" in Halley, Janet, Prabha Kotiswaran, Rachel Rebouché, and Hila Shamir. *Governance feminism: An introduction*. U of Minnesota Press, 2018. (pp. 3-22)
- Stabile, L. (2020) Sex work abolitionism and hegemonic feminisms: Implications for gender-diverse sex workers and migrants from Brazil. *The Sociological review* (Keele). [Online] 68 (4), 852–869.
- More Laws = More Violence: Criminalization as a Failed Strategy for Anti-Violence Movements (Oct 15, 2014) Featuring Angélica Cházaro, Shira Hassan, Soniya Munshi, Andrea Ritchie, Andrea Smith, and Dean Spade. https://youtu.be/7dQjwMzU_iU

Week 11: March 22 (Governance, Optimism and Resistance)

- Hunt, Sarah, and Cindy Holmes. "Everyday decolonization: Living a decolonizing queer politics." *Journal of Lesbian Studies* 19.2 (2015): 154-172.
- Nash, Jennifer C. "Black anality." *GLQ: A Journal of Lesbian and Gay Studies* 20.4 (2014): 439-460.
- Dempsey, Jessica, and Geraldine Pratt. "Wiggle Room." *Keywords in Radical Geography: Antipode* at 50 (2019): 274-279.

- Lorde, Audre. "The uses of the erotic: The erotic as power." The lesbian and gay studies reader (1993): 339-343.
- Young, Thelathia" Nikki. ""Uses of the Erotic" for Teaching Queer Studies." Women's Studies Quarterly 40.3/4 (2012): 301-305.

WEEK 12 & 13 (March 29) and (April 5): Student presentations

Final Assignment: 40% (Due April 14, 2020)

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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

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/students/accommodations/>

Equity-Related Support for Students

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where equity, inclusion and diversity are promoted, and harassment, discrimination and violence are not tolerated. Support and accommodation are provided by a number of offices on campus, including Equity Services, the Centre for Indigenous Initiatives, Sexual Assault Support Services, Health Services and Campus Safety. For more information about the services and accommodations available, please see: <https://carleton.ca/equity/>.

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://carleton.ca/equity/accommodation/academic/>

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. All cases of suspected plagiarism are sent directly to the Chair and Dean's office for review.

More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

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/>