

<b>Course</b>	LAWS 3005 Law and Regulation
<b>Term</b>	Fall 2010
<b>Instructor</b>	Craig McFarlane
<b>Office</b>	C476 Loeb (Monday and Tuesday), A701 Loeb (Thursday)
<b>Office Hours</b>	Monday 5:00-5:45, Tuesday 5:00-5:45, and Thursday 10:30-11:15
<b>Email</b>	teaching@theoria.ca
<b>Course Meets</b>	Monday 6:05-8:55
<b>Prerequisites</b>	1.0 Credit from: LAWS 2003 [1.0] (no longer offered), LAWS 2005 [1.0] (no longer offered), LAWS 2201, LAWS 2202, LAWS 2501, or LAWS 2502

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## Accommodations

Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html). For religious and pregnancy accommodations, please contact Equity Services, ext. 5622.

## Calendar Description

Definition 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 Overview

This course is concerned with the relation between legal and non- or extra-legal modes of social, political and moral regulation. In this course we will take a broadly theoretical and historical approach to the issue of law and regulation drawing upon the body of scholarship largely inspired by the work of Michel Foucault known as “governmentality.” In this course we will discuss concepts such as the state, sovereignty, governmentality, police, discipline, biopower, population, liberalism, neo-liberalism, and emergency powers.

## Evaluation

Assignments are due at the start of class the date they are due. Any assignments submitted after the start of class or to the drop box will be deemed late. Late assignments are penalized one grade point per day late (e.g., an assignment two days late which merits a grade of A- will be given a

grade of B). Extensions will not be granted under any circumstance. Please note that the two short papers and the take-home exam must be completed in order to pass this course; i.e., failure to submit all three assignments will result in a mark of FND. Plagiarism will not be tolerated and will result in the matter being referred to the Dean of the Faculty of Public Affairs and will most likely result in a failure on the assignment, if not also the course. There are no exceptions to any of these policies. While all grades are subject to approval by the Chair of the Department of Law and the Dean of the Faculty of Public Affairs, provisional marks will be posted to WebCT as they become available.

### **Short Papers (2x25%) Due October 18, 2010 and November 15, 2010**

Students are required to complete two short papers (about 1500-2000 words). The best way to learn theoretical concepts is to read and write about them. These papers are intended to be short exercises in which the student enquires into the logic of a particular concept, discussing its strengths and weaknesses, and its potential applications. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. The first assignment deals primarily with the matter discussed in the lecture on the pastoral, police and reason of state. The second assignment deals primarily with the matter discussed in the lecture on liberalism. Both short papers must be submitted in order to pass this course.

### **Take Home Exam (50%) Due December 22, 2010**

In effect, the take-home exam is another two short papers (1500-2000 words per answer; thus, about 3000 words total). Questions will be posted to WebCT and discussed in class on the final day of the semester. The take-home exam will address content discussed during the second half of the course. Take home exams must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. A take-home exam with two completed answers must be submitted in order to pass this course. Late assignments will not be accepted and cannot be marked per university regulations. Exams will not be returned, but will be made available for viewing at the Department of Law in January.

## **Course Schedule**

### **September 13 Introduction**

No assigned readings.

### **September 20 The State**

Tilly, Charles. *Coercion, Capital, and European States, AD 990-1990*. Cambridge, Mass: Blackwell, 1990. [Chapter 1]

Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale UP, 1998. [Chapter 1]

### **September 27 Sovereignty**

Kriegel, Blandine. *The State and the Rule of Law*. Princeton: Princeton UP, 1995. [Chapter 2]

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford UP, 1998. [71-111]

### **October 4 The Pastoral, Police and Reason of State**

Foucault, Michel. “‘*Omnes Et Singulatim*’: Toward a Critique of Political Reason.” In *Power: Essential Works of Michel Foucault, 1954-1984*, edited by James D. Faubion, 298-325. New York: The New Press, 2000.

Raeff, Marc. *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia, 1600-1800*. New Haven: Yale UP, 1983. [43-56]

### **October 11 No Class**

### **October 18 Liberalism**

First assignment due.

Foucault, Michel. *Security, Territory, Population: Lectures At the Collège de France*. Edited by Michel Senellart and Arnold I. Davidson. New York: Palgrave Macmillan, 2007. [Chapter 4]

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 25 Discipline**

Foucault, Michel. *Discipline & Punish: The Birth of the Prison*. New York: Vintage Books, 1995. [Part 3, Chapters 2 and 3]

Hacking, Ian. *The Taming of Chance*. Cambridge: Cambridge UP, 1990. [Chapters 13 and 19]

### **November 1 Biopower**

Foucault, Michel. “The Politics of Health in the Eighteenth Century.” In *The Foucault Reader*, edited by Paul Rabinow, 273-89. New York: Pantheon, 1984.

Curtis, Bruce. *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840-1875*. Toronto: University of Toronto Press, 2001. [Chapter 1]

### **November 8 The City**

Davis, Mike. “Planet of Slums: Urban Involution and the Informal Proletariat.” *New Left Review* 26 (2004): 5-34.

Valverde, Mariana. *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925*. Toronto: McClelland & Stewart, 1991. [Chapter 6]

Cockayne, Emily. *Hubbub: Filth, Noise & Stench in England, 1600-1770*. New Haven: Yale UP, 2007. [Chapter 8]

### **November 15 Neo-Liberalism**

Second assignment due.

Rose, Nikolas. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge UP, 1999. [Chapter 4]

Harvey, David. *A Brief History of Neo-Liberalism*. Oxford: Oxford UP, 2005. [Chapter 3]

### **November 22 Animals**

Singer, Peter. *Animal Liberation*. 2<sup>nd</sup> ed. New York: HarperCollins, 2002. [Chapter 3]

### **November 29 Exceptions and Emergencies**

Agamben, Giorgio. *State of Exception*. Chicago: University of Chicago Press, 2005. [Chapter 1]

Neocleous, Mark. "Theoretical Foundations of the 'New Police Science'." In *The New Police Science: The Police Power in Domestic and International Governance*, edited by Markus D. Dubber and Mariana Valverde, 17-41. Stanford: Stanford UP, 2006.

Public Works Protection Act, R.S.O. 1990, c P.55

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### **December 6 Catch-Up**

No assigned readings.

**December 22 Take-home exam due (submit to Department of Law drop box by 4:00PM)**