

SYLLABUS  
**Perspectives on Regulation**  
**LAW 289, Thursdays 6-8PM**  
Spring 2024

Instructor:     Nayna M. Diehl (Adjunct Professor)  
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**I.     Course Description**

This course provides students with an overview of regulation, with a specific focus on how actions of socio-political institutions translate into statutory controls, and the role played by the legal community as both interpreters and enablers of those controls. Students will gain an understanding of key concepts surrounding the study of regulatory frameworks through a legal lens, both theoretically and as applied through legislative, executive, and judicial actions.

**II.    Learning Outcomes**

By the end of the course, students should be:

- a. Capable of articulating at least one theory of regulation and an evaluation of how that theory has performed (or not) through application.
- b. Capable of using key terms and concepts of regulation in an educated discussion about a policy of their choosing.
- c. Demonstrate a basic understanding of how a regulatory state is created, challenged, and maintained.

**III.   Instructional Approach and Grading Criteria**

Students will be graded on the quality of their class participation. Although no single textbook will be required, texts that will be relevant to each class discussion will be uploaded to the class Blackboard page. Students will be expected to come to each class having read those texts, and with a prepared opinion about what they read in response to prompts posed in the reading assignments. Each student will be given an opportunity to share those opinions and engage in a facilitated discussion with their peers.

The Policy Presentation is one of two core deliverables for the course. Each student will be required to develop a 15-minute presentation for the class on a policy of their choosing. They will then spend 10 minutes answering questions from the class, the instructor, and any guest panelists the instructor may invite. Additional information about the content of the presentation will be provided after the Spring Break. The Presentation is graded in two parts: the presentation itself (including the answers to the questions) and the quality of the questions the student asks on Presentations by other classmates.

Students will also be required to submit one final paper in response to a specific assigned research question. The final paper should reflect the degree of scholarship expected from students enrolled in a graduate-level academic program. There is no final exam.

Grades will be calculated at the end of the course according to the following criteria:

20% - class participation and engagement, including assignment preparedness.

35% - Policy Presentation

45% - Final Paper

#### **IV. Course Administration and Required Texts**

Although this class will be conducted in person, a zoom link is available for those that may need to attend remotely. Please confirm with the instructor PRIOR to the day of class if you will need to attend remotely.

The zoom link for this course is: <https://gmu.zoom.us/j/2886432706>

Students are required to check the Blackboard site for the reading materials and discussion prompts no later than 10AM of the Monday immediately preceding the class. Students must also be mindful of the requirement to attend at least 11 of the total 13 scheduled class periods. If there is any issue with attendance, please inform the instructor or the relevant Scalia Law School administrative personnel immediately.

Changes to the syllabus may be warranted, at the instructor's discretion. Any changes will be communicated prior to class time.

All communications and any exchanges of documents relevant to this class must be conducted through each student's gmu.edu address or Blackboard. Please do not communicate or attempt to communicate with the instructor using any other email address, including any personal addresses or addresses issued by another entity or organization.

#### **V. Course Calendar**

DATE	SCOPE	PREPARATION
Week 1 JAN 18	Course introduction; General Overview of Regulation and regulatory governance	<input type="checkbox"/> Todeva, Emanuela. "Theoretical Tensions between Regulation, Governance, and Strategic Behaviour in a Federated World Order." <i>International Journal of Social Economics</i> (2010): 784–801.
Week 2 JAN 25	The Public Interest Theory	<input type="checkbox"/> Pigou, A. C. (Arthur Cecil). <i>The Economics of Welfare</i> . 3d ed. London: Macmillan and Co., limited, 1938.

Week 3 FEB 1	The Capture Theory	<input type="checkbox"/> Stigler, George J. "The Theory of Economic Regulation." <i>The Bell Journal of Economics and Management Science</i> (1971): 3–21.
Week 4 FEB 8	The "Special Interest" or Economic Theory	<input type="checkbox"/> Posner, Richard A. <i>Theories of Economic Regulation</i> . Cambridge, Mass: National Bureau of Economic Research, 1974.
Week 5 FEB 15	Institutional Design	<input type="checkbox"/> Eberhard, Anton. "Infrastructure regulation in developing countries: an exploration of hybrid and transitional models." 2006.
Week 6 FEB 22	The Regulatory State – US Perspective	<input type="checkbox"/> Executive Order 12866 of September 30, 1993 <input type="checkbox"/> Levi-Faur, David. "The Odyssey of the Regulatory State: From a 'Thin' Monomorphic Concept to a 'Thick' and Polymorphic Concept." <i>Law &amp; policy</i> 35.1–2 (2013): 29–50.
Week 7 FEB 29	The Regulatory State – Other Perspectives	<input type="checkbox"/> Dubash, Navroz K., and Bronwen Morgan. "Understanding the Rise of the Regulatory State of the South." <i>Regulation &amp; governance</i> 6.3 (2012): 261–281.
MAR 7	<b>SPRING BREAK (NO CLASS)</b>	
Week 8 MAR 14	Law and Regulation	<input type="checkbox"/> Edna Sussman et al. "Chapter 5: Law and Regulation: Ch 5. Law and Regulation." <i>Annals of the New York Academy of Sciences</i> 1196 (2010): 87–112.
Week 9 MAR 21	Risk Regulation	<input type="checkbox"/> "A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina," U.S. House of Representatives 163 (2006).  <input type="checkbox"/> Highlights and Recommendations, "Catastrophic Disasters: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation's Preparedness, Response, and Recovery System" (GAO-06-618, 2006) available at <a href="https://www.gao.gov/products/gao-06-618">https://www.gao.gov/products/gao-06-618</a>
Week 10 MAR 28	Global Regulation	<input type="checkbox"/> Goddard, Michelle. "The EU General Data Protection Regulation (GDPR): European Regulation That Has a Global Impact." <i>International journal of market research</i> 59.6 (2017): 703–705.  <input type="checkbox"/> Abbott, K. W., & Snidal, D. (2009). The Governance Triangle: Regulatory Standards Institutions and the Shadow of the State. In W. Mattli & N. Woods (Eds.),

		<i>The Politics of Global Regulation</i> (pp. 44–88). Princeton University Press.
Week 11 APR 4	Regulatory Reform and Emerging Approaches	□ <i>The OECD Report on Regulatory Reform Synthesis Report</i> . 1st ed. Paris: OECD Publishing, 1997. Web.
Week 12 APR 11	Policy Presentations I	Presenter line-up will be published April 1; All presentations must be submitted to <a href="mailto:amalayan@gmu.edu">amalayan@gmu.edu</a> NLT 5PM April 8. Presentations must be in POWERPOINT (.ppt/.pptx) format.
Week 13 APR 18	Policy Presentations II	
MAY 8	FINAL PAPER Submission	Upload to BlackBoard folder NLT 9PM. Must be in WORD (.doc/.docx) format, MAXIMUM of 10 pages, Times New Roman, double spaced, 1" margins on all sides, on 8.5x11" letter sized pages. Memos are submitted using an AGN, which will be created at time of submission.