

**Sex and Power**  
GO 353

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Ladd 308

Mon 10:30 a.m. – noon  
Th 1:30 p.m. – 2:30 p.m.

What is peculiar to modern societies is not that they consigned sex to a shadow existence, but that they dedicated themselves to speaking of it ad infinitum, while exploiting it as the secret.  
Michel Foucault

**Course Description/Learning Goals**

This upper division course critically examines changing patterns in the regulation of sex, sexuality and sexual expression under constitutional, statutory, regulatory and common law in the United States. Attention will be focused on how law supports and/or challenges power relationships. Some of the material we will be reading and/or viewing in class is “explicit.” If that makes you uncomfortable, please reconsider taking this course.

**Learning Goals**

- Critical analysis of the politics of sexual identity
- Critical analysis of the regulation of sex, sexuality and sexual expression
- Developing legal research skills
- Developing legal briefing skills
- Developing critical thinking skills
- Developing an ability to think on your feet

**Required Text**– *Sexuality Law*, available in the bookstore (SL)

–*The Gender Caste System: Identity, Privacy, and Heteronormativity*, by Jillian Todd Weiss. *Law & Pornography As Defamation*, by Catharine A. Mackinnon. 71 Boston University Law Review, 793 (1991), available through LexisNexis

–*Lots of additional materials will be handed out in class*

**Grading**

1. Attendance is required. Participation in class discussion is expected, includes weekly quizzes at my discretion (15%)
2. Sex codes (15%)
3. Midterm (20%)
4. Research Paper (25%)
5. Moot court (25%)

**Course Standards**

**Attendance.** It counts. Poor attendance, defined as 2 or more absences, will result in your final grade being lowered. Tardiness counts as an absence.

**Participation.** I assume that if you stay in the course you agree to carefully prepare all class assignments, come to class prepared, actively listen, take meaningful notes, and thoughtfully participate in class discussions.

**Late Papers.** I don't accept them except under extraordinary circumstances and then only with *prior* permission.

**Academic Integrity.** Do your own work.

**Equity.** I assume that if you stay in the course you have agreed to the terms of the course as outlined above.

*This syllabus is a “living and flexible document.” I reserve the right to amend the syllabus, reading lists and assignments when “necessary and proper for carrying into the execution” the goals and objectives of the course.*

<b>Date</b>	<b>Topics and Assignments</b>	<b>Readings</b>
9/7	<i>Sex, Power &amp; the 4 Principles of American Government</i>	HO: NY sex statutes
9/14	<b>The Regulation of Sex</b> Code Assignment due	SL: Ch. 3 A, C, E, F G, H, I
9/21	<b>Rape</b>	HO Lots of them
9/28	<b>Rape</b>	
10/5	<b>Pedophilia, civil confinement and chemical castration</b>	HO: <i>Kansas v. Hendricks</i> <i>US v. Comstock</i>
10/12	<b>Regulation of Sexuality</b>  <i>Film: The Woodsman</i> (87 minutes)	SL: Ch 1 A, B, C SL: Ch 4 A1-6, C1-2, D 1 Ch 5 C
10/19	<b>Regulation of Sexuality</b>  <i>Film: Teena Brandon Story</i> (88 minutes)	SL: CH 6 HO: <b>Access to Civil Court</b>
10/26	<b>Regulation of Sexual Speech</b> <i>Case Law: Finley v. NEA, Contemporary Arts Center v. NEY, Roth, Kingsley, Memoirs, Ginsberg, Mishkin, Stanley, Reidel, Thirty-Seven Photographs, Miller, Paris Adult Theatre I, Orito, Kaplan, Jenkins, Smith, Pope,</i>  <i>Film: Tongues Untied</i> (55 Minutes)	SL: <b>Ch 7 A</b>
11/2	<b>Regulation of Expressive Speech</b> <i>Case Law: City of Erie v Paps, Dream Palace v. County of Maricopa, Bammoy... v City of LaHabra, Barnes v. Glen Theatre, Inc., American Booksellers v. Hudnut, Butler, R.A.V.</i>	HO: <i>Pornography as Sex Inequality</i>
11/9	<b>Protecting Children</b> <i>Case Law: Butler v Michigan, Ginsberg v. NY , FCC v. Pacifica Foundation, Sable Communications v. FCC, Reno v. ACLU, Ashcroft v. Free Speech Coalition, United States v. Extreme Associates, United States v. Williams</i>	
11/16	<b>S&amp;M &amp; Snuff</b>  <i>Film: TBD</i>	HO: <i>When Obscenity Discriminates</i>
11/30	<b>Virtual Reality Obscenity</b> HO: <i>Litigating Child Pornography and Obscenity Cases in the Internet Age</i>	
12/7	<b>Moot Court Preparation</b>	
12/19	Moot Court will be held on the day your final is scheduled in the Pohndorf Room (if it is available) or in Ladd 307 if it is not.	

