

Sex and Power Spring 2010

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

Heterosexuality is not normal, it's just common. Dorothy Parker

Course Description

Though readings, case law, films, class discussion, assignments, and class projects we will examine changing patterns in the regulation of sex, sexuality and sexual expression under constitutional, statutory, regulatory and common law 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.

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

–*The Gender Caste System: Identity, Privacy, and Heteronormativity*, by Jillian Todd Weiss. *Law & Sexuality*, 10 Law & Sex. 123, (2001), available through LexisNexis

–*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 (25%)
2. Midterm (25%)
3. Law Review (25)
4. 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.

Date	Topics and Assignments	Readings
1/27	Sex, Power & the 4 Principles of American Government	HO: NY sex statutes
2/3	The Regulation of Sex	SL: Ch. 3 A, C, E, F G, H, I
2/10	Rape	HO Lots of them
2/17	Rape	
2/24	Pedophilia, civil confinement and chemical castration	HO: <i>Kansas v. Hendricks</i> <i>US v. Comstock</i> <i>Film: The Woodsman</i> (87 minutes)
3/3	Regulation of Sexuality	SL: Ch 1 A, B, C SL: Ch 4 A1-6, C1-2, D 1 Ch 5 C
3/10	Regulation of Sexuality	SL: CH 6 HO: Access to Civil Court <i>Film: Teena Brandon Story</i> (88 minutes)
3/24	Regulation of Sexual Speech	SL: Ch 7 A Case Law: <i>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)
3/31	Regulation of Expressive Speech	HO: <i>Pornography as Sex Inequality</i> Case Law: <i>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>
4/7	Protecting Children	Case Law: <i>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>
4/14	S&M Snuff	HO: <i>When Obscenity Discriminates</i> <i>Film: Comfort of Strangers</i> (105 Minutes)?
4/21	Virtual Reality Obscenity	HO: <i>Litigating Child Pornography and Obscenity Cases in the Internet Age</i>
4/28	Moot Court	