
Law, Sexuality & Society

Legal Studies 496/Sociology 400: Special Topics

(3 credits, in-person instruction)

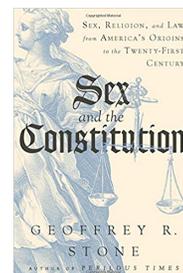
This course examines the legal and social development and implications of laws governing sexual behavior and topics related to sex and gender. The course includes historical analyses of laws connected to present day regulations of sexuality. While we will chiefly focus on the United States legal system, we will also look at legal institutions around the world and religious legal codes. We will investigate taken-for-granted knowledge and assumptions about sexuality and look at legal, cultural and social constructions of sex in society. We will pay attention to intersectional social implications, including race, ability, class, etc.

Learning Goals

- Demonstrate an understanding of social theory about law and human behavior
- Examine historical roots of modern sexual legal systems
- Investigate selected topics about sex and society; construct research arguments
- Analyze sociolegal governance over a wide variety of sexual behaviors and sex/gender topics

Course Materials

1. Stone, Geoffrey R. (2017) *Sex & the Constitution: Sex, Religion and Law from America's Origins to the Twenty-First Century*. Liveright Publishing Corporation [ISBN 978-0-87140-469-5]
 - Available on Amazon [~\$20.00] in Hardcopy, Kindle, Audio
 - Copies available at the bookstore and College Library on reserve.
2. Supplemental readings, videos and activities on Canvas



Classroom & Inclusion Policy

Our classroom is a learning community in which individual perspectives are valuable. It is necessary for us to respect each other's growth trajectory and always remember to discuss and critique *ideas* and never *people* themselves. We are here to learn from and with each other and thus this class must be a brave space in which we share and engage with one another:

- Intentionality is important – what do you mean to convey? Choose words that demonstrate intentions
- Never assume what other individuals are thinking or what groups they represent
- Animosity or disrespect towards any student, teacher or guest speaker is unwelcome

Accommodations & Accessibility

As an educator, I aim to make Legal Studies & Sociology accessible to all students, regardless of ability or previous educational experiences. Students with accommodations **must present their UW McBurney Visa to the instructor within two weeks of the first day of class**. This helps me provide you with the best possible experience and make all necessary accommodations. I encourage all students to discuss with me any personal situations or emergencies during the semester that may affect performance in the course.

Course Content Advisory: this course examines sexually explicit material and requires conversation and interrogation of sexual behaviors. If you are offended by nudity, profanity, sex education, discussion of sex crimes, etc. I recommend selecting another course to fulfill your academic requirements.

Course Schedule

(see Canvas for most updated!)

Week	Theme/Content	Assigned Materials
1	Introduction to Law & Sexuality	<p>Read the syllabus</p> <p>Introductory materials on Canvas:</p> <ul style="list-style-type: none"> • UW Madison Legal Studies BA • Center for Law, Justice & Society • Volunteering & Student Orgs • Legal Studies Terminology <ul style="list-style-type: none"> • Introductory Terms (Links to an external site.) (we will cover these during 1st lecture) • Glossary of Legal Terms (extensive) (Links to an external site.) • Legal Terms Non-Lawyers Should Know
2	Origins of Sex & Law: The Ancient World to the Enlightenment	<ul style="list-style-type: none"> • Walsh & Hemmens Law, Justice & Society  (p. 1-27) • Stone, Chapter 1 "The Ancient World" (p. 4-23) <ul style="list-style-type: none"> ○ Here's the first chapter scanned ! {It's a bit of a shifty scan because it was from my phone, but I hope that's okay.} • Erotic Art from the Ancient World (Links to an external site.) <ul style="list-style-type: none"> ○ One way that social historians can analyze and interpret sexual behaviors is through artwork, pottery, frescas, etc. This is a collection of photos of artwork from the Museum of Naples. ○ *nudity and sex depictions from ancient times* • Stone, Chapter 2 "The Power of Revealed Truth" (p. 25-45) • Stone, Chapter 3 "England, the Enlightenment and The Age of Eros" (p. 48-69)
3	United States & Origins of Sex Law: Free Government and Religion	<ul style="list-style-type: none"> • Walsh & Hammens Law, Justice & Society  "Making Law" (p. 59-87) • Stone, Chapter 6 "The Fundamental Maxims of Free Government" (p. 110-128) • Stone, Chapter 7 "The Second Great Awakening (p. 132-52) • Stone, Chapter 8 "Tending to Corrupt the Public Morals" (p. 153-178) <p>Check out the Research Project for this class. This is an awesome opportunity to investigate something of your choice and write about it.</p>
4	Obscenity & Pornography (Part I)	<ul style="list-style-type: none"> • Stone, Chapter 12 "Obscenity and the First Amendment" (p. 263-293) • Stone, Chapter 13 "The End of Obscenity?" (p. 295-312) • Altman & Watson "Obscenity and Pornography " from <i>Debating Pornography</i> (p. 51-78)
5	Obscenity & Pornography (Part II)	<ul style="list-style-type: none"> • Altman & Watson, "Defenses of Pornography" (p. 239-291)  • MacKinnon "Testimony on Pornography"  (p. 99-109) • Chapkis, "Safer Sex in Porn" (p. 693 - 700)  • Jones, "Teenagers & Online Porn" (p. 128-142)  • Modern Federal Laws (Links to an external site.) on Obscenity (Webpage) <p>Recommended: Wosick, "Pornography" ( current state of sexology + sociology)</p> <p style="text-align: center;">**Assessment #1 opens on Thursday, October 3rd, due on Monday, October 7th @ 5:00 pm **</p>

6	Birth Control	<ul style="list-style-type: none"> • Stone, Chapter 15 "The Constitution and Contraception" (p. 351-367) • Cusack "Birth Control" from <i>Laws Relating to Pregnancy, Sex & Intimacy</i>. (p. 7-17) • What's the Law in Your State? (Links to an external site.) <ul style="list-style-type: none"> ◦ Click here for "Free the Pill" a group that wants to make birth control available over the counter (non RX) around the world. What are the current laws in the states where you live/the states you are from? ◦ Look at their "Questions (Links to an external site.)" link -- what are their arguments for making birth control available over the counter? • Podcast: "How Birth Control Changed the World (Links to an external site.)" from <i>Stuff You Should Know</i> (48 minutes) • Medical Community Responds to Modern Laws (Links to an external site.) (Online Article) • Guest Lecturer: Kelsey Wright
7	Abortion	<ul style="list-style-type: none"> • Readings are from James Mohr's Abortion in America <ul style="list-style-type: none"> ◦ "The Transnational Legislation of 1840-1860" (p. 200-225) ◦ "Anti-Abortion as American Policy 1880-1900" (p. 226-245) • Stone, Chapter 17 "Roe and Beyond" (p. 399-440) • UT Austin Population Research Center: Abortion Safety Brief.pdf (3 pages) • <i>Recommended:</i> Stone, Chapter 16 "The Road to Roe" (p. 370-398) • During class on Thursday we will watch the film <i>Reversing Roe</i> on Netflix
8	Sex Education	<ul style="list-style-type: none"> • Fields et al. "Sexuality and Education".pdf (p. 1-9) • TedTalk: "What Young Women Believe About their Sexual Pleasure (Links to an external site.)" (~17 minutes) • NCSL State Legislation on Sex Education (Links to an external site.) <ul style="list-style-type: none"> ◦ Read the whole web page -- Wisconsin is at the bottom. ◦ Look at each state, but take note of the rules and regulations in your own home state. • State of Sex Ed in the U.S 2017.pdf
9	Sex Work	<ul style="list-style-type: none"> • Dewey "Sex Work".pdf • Walby, "Male Internet Escorts".pdf • Podcast/Video TBA <p style="text-align: center;">**Topic Statement + Resources Due November 4th **</p>
10	Sex Offenders	<ul style="list-style-type: none"> • Sex Offender Registration and Notification.pdf (p. 1-27) <ul style="list-style-type: none"> ◦ Skim this chapter -- I will cover it through lecture. • Chapters from <i>Sex Fiends, Pervert and Pedophiles: Understanding Sex Crime Policy in America</i> by Chrysanthi S. Leon <ul style="list-style-type: none"> ◦ Chapter 5: "Sex Offender Policy in the Containment Era, 1980-Present" (p. 107-124) ◦ Chapter 6: "Experts and Governance, Shifting Politics and Disappearing Strategies" (p. 125-143) • Policy in the Containment Era, 1980-Present • Sex Offender Living Arrangements.pdf (p. 1-16) • Sex Offender Risk Classification System.pdf (p. 1-20)

		<p><i>Optional</i></p> <p>"You're Wrong About: Sex Offenders" (Links to an external site.) Podcast (63 minutes)</p> <p>**Assessment #2 opens Thursday, November 7th @ 5:00 pm and closes on Monday, November 11th @ 5:00 pm **</p>
11	Sexual Violence	<ul style="list-style-type: none"> • Constructing Victims of Sexual Assault.pdf  • Laws Related to Physical Violence  <ul style="list-style-type: none"> ○ This is a chapter about the legal implications of physical sexual violence, manslaughter, homicide, etc. ○ It is graphic in a legalistic way; the author describes some in-depth events that stand as legal cases currently determining laws. ○ This chapter includes legal information and brief case justifications about infanticide and rape against children. Please skip over anything you need to. • Campus Sexual Assault: Constitutional Rights and Fundamental Fairness  <ul style="list-style-type: none"> ○ <i>Optional/Recommended:</i> Introduction (p. 1-16) ○ Chapter 1: "The Due Process Deficit" (p. 17-34) ○ Chapter 2: "Due Process and the Constitution" (p. 35-58) • Guest Lecturer: Nona Gronert, (Links to an external site.) University Health Services; Department of Sociology PhD Candidate <p><i>Optional:</i> Catherine MacKinnon's Sexual Harassment Brief  from <i>Butterfly Politics</i></p>
12	Homosexuality (Part I)	<ul style="list-style-type: none"> • The Straight State: Federal Welfare and the 1944 GI Bill  (p. 1-19) • Stone, Chapter 10 "Strange Freaks of Nature" (p. 212-230) • The Straight Line:  How the Fringe Science of Ex-Gay Therapy Reoriented Sexuality <ul style="list-style-type: none"> ○ Read Chapter 1 -- The Reorientation Regime (p. 35 - 66) ○ Read Chapter 2 -- The Evolution of Dr. Robert Spitzer (p. 67-111)
13	Homosexuality (Part II)	<ul style="list-style-type: none"> • Stone, Chapter 18 "The Gay Moment" (p. 444-468) • Stone, Chapter 19 "A Right to Retain Their Dignity" (p. 269-489) <p><i>Optional</i></p> <ul style="list-style-type: none"> • Stone, Chapter 11 "Coming Out" (p. 232-260) • The Queer History of the United States: Revolt and Backlash  <p style="text-align: center;">NO CLASS ON THURSDAY, 11/28</p>
14	Trans, Intersex & Surgical Gender Topics (Circumcision)	<ul style="list-style-type: none"> • Nondiscrimination Laws and Trans Health.pdf  (2016) (p. 350 - 362) <ul style="list-style-type: none"> ○ Content advisory -- suicide, mental health, hatred, transphobia • Michael J. Griffin, Intersecting Intersectionalities and the Failure of the Law to Protect Transgender Women of Color in the United States , 25 Tul. J.L. & Sexuality 123 (2016). • Earp "Female Genital Mutilation and Circumcision".pdf 

		<ul style="list-style-type: none"> • Stigma and Medical Abuse Against Intersex Children  (briefing to United Nations) • interACT Website -- check out their work and current state of intersex topics in the courts. Read the following webpages: <ul style="list-style-type: none"> ○ California's Legislative Fight to Protect Intersex Children From Nonconsensual Genital Surgeries Pushed to 2020 (Links to an external site.) ○ Intersex in Courts (Links to an external site.) <p align="center">**Term Paper due Thursday, December 5th @ 5:00 pm**</p>
15	Online/Technology & Sex	<ul style="list-style-type: none"> • Jones, "What Teenagers Are Learning from Online Porn" (p. 128 - 142)  • Sex Robots and Virtual Reality (Links to an external site.) (web article) • Interactive Map: Sexing Laws in America (Links to an external site.) -- look at Wisconsin and your home state. Check out the webpage. • O'Connor et al. "Sexing Legislation in the U.S. and Abroad: A Call for Uniformity"  (p. 218-245) <p align="center">**Assessment #3 opens Thursday, December 12th @ 5:00 pm and closes on Monday, December 16th @ 5:00 pm **</p>

Grades & Assignments

Criteria	% of Grade	Details & Due Dates
Attendance & Participation	25%	Attendance (12%) <ul style="list-style-type: none"> • Attendance will be graded using a variety of methods including sign-in sheets, notecards, activities, etc.
		Participation (13%) <ul style="list-style-type: none"> • Students will be graded based on discussion with peers and written reflections during the section meeting. • Points are deducted for disruptions, phone usage, internet browsing, headphones in during class, etc. • Students will be given a score for participation three times per semester (see canvas)
Online Assessments *Online quizzes completed on Canvas. Open note and open book. Students may NOT work together or with tutors, etc.	45%	First Assessment (15%) <ul style="list-style-type: none"> • Available on Canvas: Thursday 10/3 @ 5:00 pm • Submission Due: Monday, 10/7 @ 5:00 pm
		Second Assessment (15%) <ul style="list-style-type: none"> • Available on Canvas: Thursday, 11/7 @ 5:00 pm • Submission Due: Monday, 11/11 @ 5:00 pm
		Third Assessment (15%) <ul style="list-style-type: none"> • Available on Canvas: Thursday, 12/12 5:00 pm • Submission Due: Monday, 12/16 @ 5:00 pm
Research Project *Submitted online, to Canvas <ul style="list-style-type: none"> ○ 8-10 pages ○ 10 sources 	30%	Topic Statement + 5 Sources (5%) <ul style="list-style-type: none"> • Due Monday, November 4th @ 5:00 pm • Must be formal citations (ASA, APA, Chicago style)
		Term Paper (25%) <ul style="list-style-type: none"> ○ Due Thursday, December 5th @ 5:00 pm

- | | | |
|--|--|---|
| | | <ul style="list-style-type: none">○ Formal citations list, in-text citations required○ Papers will be run through TurnItIn.com |
|--|--|---|

Attendance + Participation

The attendance policy and grading of this course are designed to prevent heavy emphasis on testing and encourage you to listen, learn and engage for the sake of learning rather than to prove yourself to an instructor. I want each of my students to attend lectures and consider the sociolegal material in relationship to the world around them – this is more important to me than designing multiple exams that put extreme pressures on you.

Because so much of this lecture and your discussion section will depend on the stimulation provided by in-class discussions and activities, **attendance as well as preparation and participation are critical**. Unexcused absences are not expected and are unacceptable. Part of your success in this class depends on your ability to develop a professional learning relationship with the instructor and a sense of responsibility to the class community.

Understandably, there may be times when life throws you an unexpected curve ball, which will impede you from making it to class (illness, family problems, car trouble, etc.). You are allowed two free absences during the course of the semester – use them however you would like, but absences in excess of those two are unexcused. You do not need to email me if you are missing class within the two free absences. If you miss more than two and think you should be excused, you must meet with me.

PLEASE NOTE: *I take attendance throughout the semester and then drop two absences in December when the semester is finished.*

Research Project

This course requires one term paper (8-10 pages) that serves as an argumentative literature review. Students will select a topic of your choice within the realm of law, sexuality, sex, gender, etc. and read and research current academic literature on that topic. Through an academic-style research paper, students will present an argument about their specific topic that is supported by literature and research in the current field.

For example, instead of simply covering the topic “sexual education” you would review the literature and argue “abstinence education is largely failing young people around the world.” Per this example, the paper should have an argument rather than just be about a broad topic.

A). Topic Proposal + 5 Sources (listed in APA, ASA or Chicago style)

- Monday, November 4th @ 5:00 pm
- Submit to Canvas
- Write 250-300 words about the topic you have chosen, why you chose it, why it is relevant to sociolegal academic research, what your sources generally demonstrate, etc. Explain your preliminary findings and argument, describe the topic broadly.

B). Term Paper

- Due Thursday, December 5th @ 5:00 pm
- 8-10 pages (does not include title, heading or reference list)
- References list + in-text citations required (APA, ASA, or Chicago style)

Legal Studies 496/Sociology 400
Fall 2019
Tu/Th 9:45-10:45 am
Sewell Social Sciences 6203
Grading Standards

Instructor: S. E. Frank (Frankie)
Email: sfrank9@wisc.edu | Sewell 7129
Office Hours: Wednesday 9:30-11:00 am
or by appointment

The grading scale for the course is as follows:

- A = 93-100
- AB = 87-92
- B = 83-86
- BC = 77-82
- C = 70-76
- D = 60-69,
- F = 59 or below.

***Grades are returned within 2 weeks of receiving the assignment (thank you for your patience).**

****I only “bump” grades or round up a final semester grade if you are above the 0.5 mark AND you have excellent participation and attendance.**

Late Policy

Due dates are not suggestions – they are deadlines. These dates make the course manageable for you and for your instructor. If you have an *emergency* that requires an extension, you must consult with me *before* the due date. Short of an emergency, to turn in a paper late, you must request permission within 48 hours of the due date.

For each day an assignment is late, your grade will be lowered 5%. Late assignments will not be accepted past one week following the due date and will thus receive an F or no points.

Standard Paper Format – American Sociological Association

The format of each written assignment must adhere to the following guidelines:

- All text is double spaced, no additional spaces between paragraphs
- Each new paragraph is indented
- 12-pt font in Times or Times New Roman
- 1 ¼ inch margins
- Page numbers in the upper right-hand corner
- Reference page in American Sociological Association style
 - <https://owl.english.purdue.edu/owl/resource/583/03/>
 - Alphabetical by authors’ last names
 - This does not count in page or word requirements
- Quotations & evidence cited according to ASA style
 - <https://owl.english.purdue.edu/owl/resource/583/02/>

Academic Integrity

The Office of the Dean of Students defines academic misconduct to include, but is not limited to the following:

- Seeks to claim credit for the work or efforts of another without authorization or citation (**plagiarism**)
- Uses unauthorized materials or fabricated data in any academic exercise (using notes for a closed-book online exam)
- Forges or falsifies academic documents or records (**having a friend sign you in for attendance when you are absent**)
- Intentionally impedes or damages the academic work of others

- Engages in conduct aimed at making false representation of a student's academic performance (altering test answers and submitting the test for re-grading)
- Assists other students in any of these acts

In an effort to prevent academic dishonesty, **all written assignments will be run through Turnitin.com**. This service checks your assignment against all written assignments available online, in other courses and at other universities.

Electronics Policy

Computers and tablets can be wonderful contributions to student learning and efficiency in note taking. I welcome the productive use of technology in our classroom, particularly for students who feel they learn better by utilizing laptops and other note-taking devices. **If you'd like to use a computer or tablet, you must sit in the front half of the classroom.**

You must refrain from web browsing, emailing and social networking unless otherwise required by your instructor or teaching assistant. Cell phones are distracting for you and for your instructors. Improper use of electronic devices will be considered as part of your participation grade.

Legal Studies 496/Sociology 400
Fall 2019
Tu/Th 9:45-10:45 am
Sewell Social Sciences 6203

Instructor: S. E. Frank (Frankie)
Email: sfrank9@wisc.edu | Sewell 7129
Office Hours: Wednesday 9:30-11:00 am
or by appointment

Beyond the specific substantive and methodological content covered in the course, the course has been designed to achieve the following instructional objectives designated as priorities by the Department of Sociology:

- **Critically Evaluate Published Research:** Sociology graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.
- **Communicate Skillfully:** Sociology majors write papers and make oral presentations that build arguments and assess evidence in a clear and effective manner.
- **Critical Thinking about Society and Social Processes:** Sociology graduates can look beyond the surface of issues to discover the "why" and "how" of social order, structure, and consider the underlying social mechanisms that may be creating a situation. They can identify evidence that may adjudicate between alternate explanations for phenomena as well as develop proposed policies or action plans in light of theory and data.
- **See Things from a Global Perspective:** Sociologists learn about different cultures, groups, and societies across both time and place. They are aware of the diversity of backgrounds and experiences among residents of the United States. They understand the ways events and processes in one country are linked to those in other countries.
- **Work effectively in groups:** Students will improve their skills in understanding group dynamics and working well with people from different backgrounds with different strengths and weaknesses.

Concerns & Department Contact

The Department of Sociology embraces the notion that intellectual community is enriched and enhanced by diversity along a number of dimensions, including race, ethnicity and national origins, gender and gender identity, sexuality, class, age, ability, and religion. Your suggestions are encouraged and appreciated! Please let me know ways to improve the effectiveness of the course for you personally or for other students.

While formal evaluations of the course and section will be administered at the end of the term, I will be administering a more informal midterm evaluation of the course about halfway through the course. I do this so that I can better gauge what you as students are finding helpful as well as areas for improvement or change.

The Department of Sociology distributes student evaluations of all instructors and teaching assistants near the end of the semester. Students who have more immediate concerns about this course should report them to the instructor (sfrank9@wisc.edu) or the chair of the department (socchair@ssc.wisc.edu). The main office of the Department of Sociology is located at 8128 Sewell Social Science.

University of Wisconsin – Madison
Campus Resources



UW-Madison Writing Center: For course papers and general writing guidance, students may wish to visit the campus writing center, located at 6171 Helen C. White Hall, (608) 263-1992. Webpage: www.writing.wisc.edu. Excellent writing instructors on staff offer group classes and one-on-one meetings to help with all aspects of the writing process, from brainstorming to polishing a final draft. Even the best writers have room for improvement!



Tom Durkin, Social Science Librarian: Tom is a truly wonderful resource when it comes time to find sources for social science research. He can help you navigate the library's online databases to find relevant, peer-reviewed sources. His office is in the Social Science Reference Library on the (rear) 8th floor of the Sewell Social Science Building. You can email him at ssrlib@library.wisc.edu. Visit his [website](#) for more information.



Student Technology Training: Free technology training for all students. Call (608) 265-6624 or e-mail sts@doit.wisc.edu. Webpage: www.doit.wisc.edu/training/student.



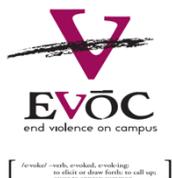
McBurney Disability Resource Center: Students with disabilities, visible and invisible, should contact the McBurney Disability Resource Center located at 702 W Johnson St #2104, (608) 263-2741. Webpage: www.mcburney.wisc.edu.



The primary mission of the Multicultural Student Center is to collaboratively strengthen and sustain an inclusive campus where all students, particularly students of color and other historically underserved students, can realize an authentic Wisconsin Experience. <https://msc.wisc.edu/about-the-msc/>



University Counseling and Consultation Services (C&CS): School (and life) can be stressful! To obtain assistance for personal, social, career, and/or study skills problems, please contact the counseling center at University Health Services: 333 East Campus Mall, 7th Floor. (608) 265-5600 (option 2). www.uhs.wisc.edu/services/counseling.



End Violence on Campus (EVOc): EVOc exists to prevent violence as well as to support survivors of sexual assault, intimate partner violence, and stalking. Please contact EVOc to learn more about their services or to make an appointment at the 8th Floor of 333 East Campus Mall. (608) 265-1483. evoc@uhs.wisc.edu.



Greater University Tutoring Services (GUTS): volunteer tutors at GUTS provide assistance with academic courses, study skills, conversational English, and intercultural exchange. They provide free tutoring and mentoring to hundreds of students and university affiliates each semester. 333 East Campus Mall, 4th floor, Office # 4413. 608-263-5666. <http://www.guts.wisc.edu>.