



# Institute of Criminology and Criminal Justice

CARLETON UNIVERSITY

## CRCJ 4001B: Special Topics – *Policing Sex*

Fall 2013

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**Instructor:** Dr. Lara Karaian

**Office:** C578 Loeb Building

**Office Phone:** 613-520-2600 x 1458

**E-mail:** Please direct all e-mail contact through cuLearn e-mail

**Class Meets:** Monday, 11:35 – 2:25 pm

**Class Location:** Please check with Carleton Central for current room location

**Office Hours:** Monday 2:30-3:30 pm, or by appointment

### COURSE DESCRIPTION:

Sexual activity is one of the most persistently policed and harshly punished aspects of our interpersonal relationships. This seminar explores the policing of consensual sexual practices and asks: On what basis is sex policed? What constitutes “normal”, “healthy”, “consensual” “harmful” and “criminal”, sex and sexual practices? What place does the law have in the private sex lives of individuals, if any? In what ways do we police sex and to what end? Topics include sex, and sexual expression, that is considered obscene, commercial, intergenerational, kinky, public, queer, and “diseased”. Throughout the course we will critically and closely interrogate the normative assumptions and frameworks that underscore criminal statutes, case law, intervenor factums, and academic scholarship addressing sex and sexual practices. The course is theoretically rigorous and draws extensively on a range of frameworks including those of queer, feminist, critical race, post-structural, neo-liberal, risk and governance theory. As a whole, the seminar will offer students a strong theoretical and doctrinal analysis of the policing of sex and provide the critical tools required to evaluate legislators and the criminal justice system’s governance of sex and sexuality.

**Prerequisites:** third-year standing in the B.A Honours program in Criminology and Criminal Justice.

### REQUIRED TEXTS:

Richard Jochelson and Kirsten Kramer (2011) *Sex and the Supreme Court*. Halifax: Fernwood Publishing.

Chester Brown (2013) *Paying for it: A Comic Strip Memoir about being a John*. Toronto: Drawn and Quarterly.

Additional articles and excerpts will be made available electronically through your Carleton University Electronic library. See cuLearn for the full list.

All required readings are available at Octopus Books, located at 116 Third Avenue (off Bank Street in The Glebe).

### WEB SITE:

This course will be managed with Carleton’s cuLearn course management system. Course PowerPoint slides, announcements, grades, discussion groups and weblinks will be posted on this site. You must activate your cuLearn account by going to the following page <https://www.carleton.ca/culearn/>. Student support is available via a link on the right side of the page. Only students registered in the course have access to the site. Your Username and Password to sign on are the same as those for your Connect account (make sure that your Connect account has been activated first). See <https://portal.carleton.ca> for instructions on how to set up your account. It is imperative that each student is able to access the course web site and that they do so frequently.

## **EVALUATION:**

**(All components must be completed in order to get a passing grade)**

- Class participation: 20% (Ongoing)
- Critical Summaries: 20% (4 X 5% each) (500-700 words each)
- Presentation and class facilitation: 20% (dates to be determined)
- Final Paper: 40% (4000-5000 words, due Dec. 9, 2013)

### **Class Participation:**

The seminar format relies on students taking an active role in learning and sharing knowledge. Attendance is taken for every class, and your participation is evaluated at the end of each seminar. You are allowed to miss one class without repercussion. After this, a penalty applies for every class missed unless a doctor's note is provided that specifically attests to your inability to attend class. To ensure a breadth of student participation *I will call on people* to canvass their analysis of the readings and the issues. Your participation grade is reflective of: your attendance, your ability to discuss the *texts* assigned for that day, your ability to make connections between readings and earlier classes, and the quality of the insights you bring to the discussion.

### **Critical Summaries:**

Each student will be required to complete 4 critical summaries, each addressing a different week's readings. Starting on Sept 16<sup>th</sup> (week 3) you must choose 4 week's readings and write a summary for 2 of the articles or texts that are assigned for each of those weeks. The word count for the summaries for each week should be between 500-700 in total. Each of the 4 critical summaries is worth 5% for a total of 20% of the course grade. Reflections are due at the end of each of the classes that you have chosen to write about. Please do not forget to submit the summary prior to the end of those classes as late summaries will not be accepted. You do not need to tell me in advance which week's you'll be writing critical summaries for, you can decide for yourself as the course progresses. You have 10 weeks of class to choose from so try to time your summaries for weeks that really interest you but also for those weeks when you don't have much else due. Please note that if you do poorly on a summary you will not be given the opportunity to make it up on another week.

Summarizing helps you to fully engage and understand the original text, and your summary will demonstrate your comprehension of the issues and complexities addressed by text. The summaries will also form the basis of your oral participation.

#### Steps to Writing the Summary:

1. Identify the type of text you are summarizing. For example, is it a case, factum, empirical study, government report, review article, theoretical article, an advocacy text, a personal text or some other kind of text? You might also want to consider the expertise and the disciplinary background of the author(s). For example, is it a legal scholar whose research area focuses on the policing of sexual practices or a person whose sexual practices have been policed and punished?
2. What is the main goal of the text?
3. What are the methods and theoretical frames used to achieve this goal? Remember that while empirical scholars will draw upon empirical studies, other frameworks can include theoretical arguments or experiential knowledge.
4. What is the conclusion or "take home message" of the text?
5. How does the text relate to the other materials addressed in class?
6. What are the implications of the article for \*your\* understanding of the policing of sex?
7. Come up with 1 question per article that you would like to discuss with the class.

### **Presentation and class facilitation for one reading:**

In week 2 (Sept. 16), you will need to sign up to present one reading and facilitate the class discussion. Your presentation should not take more than 7 minutes and should give a brief overview of the material and draw attention to the most salient parts. You may also include any original analysis you might have of the reading and how it connects to larger issues. The facilitation should take between 20-30 minutes. Facilitation exercises can include brainstorms, small group discussions, imaginative exercises, structured debates, comparative analyses with a current event or video, etc. Please feel free to discuss with me any ideas you might want to try out.

### **Final Research Paper:**

Final Research Paper (4000-5000 words) due **December 9<sup>th</sup> at 4:00 pm** on a topic that addresses the policing of sexual practices. The paper \*must\* draw upon at least 2 of the readings in class as well as at least 6 other readings

or materials not studied in class. The paper should be submitted electronically via cuLearn **and** in hard copy to the Criminology drop box (C562 Loeb) by 4:00 pm.

## **POLICIES:**

### **(i) Contact with Instructor**

I will be available for consultation with students during my office hours or by appointment. Please e-mail me using the cuLearn e-mail system should you want to set up an appointment outside of regularly scheduled office hours.

### **(ii) E-mail Policy**

Every student is expected to have a Carleton e-mail address and to check it regularly. University policy dictates that Professors will not send e-mails to students at any other addresses. If a class has to be cancelled, or if there is any other matter which you should know about prior to class, you may be sent an email on your Carleton account. I generally try to respond to e-mails within two days.

### **(iii) Late Penalties**

All assignments must be completed for you to receive a passing grade in this course. Late assignments will be deducted a penalty of 5% for each day submitted after the due date (including week-end days) except under exceptional circumstances, i.e. grave illness. I require third party documentation in order to get an extension; **Assignments submitted more than one week after the due date will receive an F.** Computer failure, conflicts with work schedules or similar problems are not a valid excuse for failing to submit an assignment on time. **Students submitting late assignments must submit a hard copy of the assignment to the Institute of Criminology and Criminal Justice drop-box and an electronic version via cuLearn.** The Institute of Criminology and Criminal Justice drop-box is located on the wall outside the Institute's door at C562 Loeb Building. Students are responsible to keep an extra copy of any assignment that is submitted for evaluation.

### **(iv) Policy on Discrimination and Harassment**

Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and research. Its members are part of the community at large and are governed by the law common to all persons. But membership in the academic community also entails certain rights and responsibilities. The university respects the rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it requires tolerance and respect for the rights of others; and it promotes an environment conducive to personal and intellectual growth.

### **(v) Academic Dishonesty**

Academic dishonesty, which includes plagiarism and cheating, is an extremely serious academic offense and carries penalties varying from failure in an assignment to suspension from the University.

The University Senate defines plagiarism as the "presenting, whether intentional or not, the ideas, expression of ideas, or work of others as one's own." This can include:

- Reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source;
- Submitting an assignment or examination written in whole or in part, by someone else;
- Using ideas or direct, verbatim quotation, or paraphrased material, concepts, or ideas without appropriate acknowledgement in any academic assignment;
- Using another's data or research findings;
- Failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- Handing in "*substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.*"

## REQUESTS FOR ACCOMMODATION:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>  
You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

## CRCJ 4001A: Course Schedule & Readings

Please note that this schedule and course readings are subject to change.

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### WEEK 1

#### September 9: CLASS CANCELLED

I will be presenting in the UK and unable to attend our introductory class. Please use the scheduled class time to familiarize yourself with the syllabus, to buy/download and print the required course texts/readings, to get a head start on next week's assigned readings, and to think about which article you may want to present on.

Also, please watch "Sexual Consent" <http://www.youtube.com/watch?v=f--upuzhGs> (6mins)

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### WEEK 2

#### September 16: Introduction to Key Theoretical Frameworks (Sex, Power & Politics)

\*\*\*Sign up for Article Presentation\*\*\*

Catharine A. MacKinnon, "Sexuality" in *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989), 126-154.

Gayle Rubin, (1998) "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality", in *Pleasure and Danger: Exploring Female Sexuality*. Carol Vance (ed.) (Boston: Routledge, 1984), 267-319.

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### **WEEK 3**

#### **September 23: Introduction to Key Theoretical Frameworks (Sex, Shame & Sexualization)**

William Eskridge, (1995) "The Many Faces of Sexual Consent" *William and Mary Law Review*. 47-67.

Michael Warner, (2000) "The Ethics of Sexual Shame" in *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. (Cambridge: Harvard University Press, 1-40.

Feona Attwood, (2006) "Sexed Up: Theorizing the Sexualization of Culture" *Sexualities* 9(1): 77-94.

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### **WEEK 4**

#### **September 30: "Asking for it": Non/Consensual Sex**

Lise Gotell, (2008) "Rethinking Affirmative Consent in Canadian Sexual Assault Law: Neoliberal Sexual Subjects and Risky Women" *Akron Law Review* 41(4): 865-898.

Sharon Cowan (2008) 'The Trouble with Drink: Intoxication, (In)Capacity and the Evaporation of Consent to Sex'. *Akron Law Review* 41(4): 899-922.

Video clip: Dave Chapelle, "Man Rape" <http://www.youtube.com/watch?v=LLWIBgj0uOc> (2 mins)

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### **WEEK 5**

#### **October 7: "Representing it": Adult Porn/Teenage "Sexting"**

Richard Jochelson and Kirsten Kramar (2011) Chapter 1 "Theoretical Debates: Harm in the Context of Obscenity and Indecency Law in Canada" and Chapter 2 "Political Morality from Hicklin to Butler and Little Sisters" in *Sex and The Supreme Court: Obscenity and Indecency Laws in Canada*, Halifax: Fernwood Publishing. 8-58.

Robert Teixeira, (July 30 2009) "The Shortcomings of Canada's Porn Laws: Youthful Sexuality, Censorship and Canada's Child Pornography Law," *Xtra (Toronto)*. (6 pgs)  
<http://www.xtra.ca/public/National/The shortcomings of Canadas porn laws-7192.aspx>

Lara Karaian, (2012) "Lolita Speaks: Girls, 'Sexting' and Law," *Crime, Media, and Culture*. 8(1): 55-71.

Film: "Sext up Kids" Maureen Palmer, CBC DocZone, <http://www.cbc.ca/doczone/episode/sext-up-kids.html#> (45 mins)

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#### **October 14: NO CLASS- STATUTORY HOLIDAY**

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### **WEEK 6**

#### **October 21: "Paying for it": Commercial Sex**

**Guest Presenter: TBD**

Factum Of The Interveners PACE, SWUAV & PIVOT (2011), *Bedford V. Canada*, Court Of Appeal For Ontario, court File No. C52799 & C52814 (25 pgs) (<http://bedfordsafehaveninitiative.files.wordpress.com/2013/05/intervener-pace-swuav-pivot-factum.pdf>) (NB: First read “The Decision in *Bedford v. Canada (2010)*” in *Sex and the Supreme Court* (pp. 94-97) for more context)

Sarah Hunt (2013) Decolonizing Sex Work: Developing an Intersectional Indigenous Approach” in Emily van der Meulen, Elya m. Durisin, and Victoria Love eds. *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*. Vancouver: University of British Columbia Press. 82-100.

Chester Brown (2013) *Paying for it: A Comic Strip Memoir about being a John*. Toronto: Drawn & Quarterly.

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**October 28: NO CLASS- FALL READING WEEK**

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**WEEK 7**

**November 4: “Hurting for it”: Kinky Sex**

**Guest Presenter: Ummni Khan (Assistant Professor, Department of Law)**

Darren Langdridge, “Voices From the Margins: Sodomasochism and Sexual Citizenship”, *Citizenship Studies* 10(4) 2006: 373-89.

Lise Gotell (2013) “Governing Heterosexuality through Specific Consent: Interrogating the Governmental Effects of R. v J.A.” *Canadian Journal of Women and the Law* 24(2): 359-388.

Ummni Khan (Forthcoming) Excerpt from *Vicarious Kinks: S/M and the Socio-legal Imaginary*. Toronto: University of Toronto Press.

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**WEEK 8**

**November 11: “Jail bait”: Under-age/Intergenerational Sex**

Marilyn Pilon “Canada’s Legal Age Of Consent To Sexual Activity,” Law and Government Division, 25 January 1999, Revised 12 April 2001, 1-6. (not eligible for summary)

Dauda, C. L. (2010). Childhood, age of consent and moral regulation in Canada and the UK. *Contemporary Politics*, 16(3), 227-247.

Kate Sutherland, (2003) “From Jailbird to Jailbait: Age of Consent Laws and the Construction of Teenage Sexualities” *William and Mary Journal of Women and the Law*, 1-18.

*R. v. M.(P.)* [2011] ONCJ 401 (10 pgs)

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**WEEK 9**

## November 18: “Publicizing it”: Public Sex

Patrick Califia (1982) “Public Sex,” *Public Sex: The Culture of Radical Sex*, 2<sup>nd</sup> ed. (2000), 14–27

Walby, Kevin, (2009) “He asked me if I was looking for fags...” Ottawa’s National Capital Commission Conservation Officers and the Policing of Public Park Sex’. *Surveillance & Society*, 6/4: 367–379.

Richard Jochelson and Kirsten Kramar (2011) “Labaye: Hicklin’s Modern Swinging Cousin” in *Sex and The Supreme Court: Obscenity and Indecency Laws in Canada*, Halifax: Fernwood Publishing. 59–81.

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## WEEK 10

### November 25: “Queering it”: Non-Heteronormative Sex

Nikki Sullivan, (2007) “The Social Construction of Same-Sex Desire: Sin, Crime, Sickness,” in *A Critical Introduction to Queer Theory*. New York: New York University Press. 1–21.

Patrick Califia (2004) “Legalizing Sodomy is Political Foreplay” in *That’s Revolting! Queer Strategies for Resisting Assimilation*. Matilda Bernstein Sycamore ed. Brooklyn: Soft Skull Press, 92–99.

Jane Ward (2008) “Dude-Sex: White Masculinities and ‘Authentic’ Heterosexuality Among Dudes Who Have Sex With Dudes” *Sexualities* Vol. 11(4): 414–434,

*R. v. C.M.*, [1995] 98 CCC (3d) 481 (10 pgs)

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## WEEK 11

### December 2: “Medicalizing it”: (Dis)eased Sex

Erin Dej, Jennifer M. Kilty (2012) “Criminalization Creep’: A Brief Discussion of the Criminalization of HIV/AIDS Nondisclosure in Canada” *Canadian Journal of Law and Society*, 27(1): pp. 55–66

Eric Mykhalovskiy, Glenn Betteridge (2012) “Who? What? Where? When? And with What Consequences?: An Analysis of Criminal Cases of HIV Non-disclosure in Canada” *Canadian Journal of Law and Society*, 27(1): 31–53.

B.D. Adam, (2005). “Constructing the Neoliberal Sexual Actor: Responsibility and Care of the Self in the Discourse of Barebackers” *Culture, Health and Sexuality*, 7(4): 333–346

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## WEEK 12

### December 9: “One handing it”: Masturbation and Sexual Citizenship

\*\*\* Final Papers Due\*\*\*

Liam Grealy (2013) “Reorienting the Henson debate: child pornography, consent and the masturbating adolescent” *Continuum: Journal of Media & Cultural Studies*, 27(1): 67–79.

Brenda Cossman (2009) “Sexual Citizens: Freedom, Vibrators, and Belonging” in Linda McClain and Joanne Grossman, eds., *Gender Equality: Dimensions of Women’s Equal Citizenship*. Cambridge University Press. 289–306.

Course review and wrap-up.

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**ENJOY YOUR WINTER BREAK!**