



Institute of Criminology and  
Criminal Justice

CARLETON UNIVERSITY

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

Fall 2016

(Please note, any email requesting information that is available on this syllabus will not be replied to.)

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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:** Mondays, 8:35am-11:25am

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

**Office Hours:** Mondays, 11:30am-12:30pm, 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: What place does the law have in the private sex lives of individuals, if any? On what basis is sex policed? What constitutes “normal”, “consensual”, “healthy”, “harmful”, “autonomous”, “positive”, “liberating”, and “criminal”, sex and sexual practices? In what ways do we police sex and to what end? Topics include sex and sexual expression that is considered obscene, indecent, commercial, intergenerational, incestuous, kinky, public, queer, “sick” and “diseased”. Throughout the course we will critically and closely interrogate the normative assumptions and frameworks that underscore criminal statutes, case law, legal briefings and academic scholarship addressing 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, spatial, and governance theory. Throughout the course we will pay particular attention to the theorization of consent, harm, liberation and agency in a sexual and legal context. As a whole, the seminar will offer students a strong theoretical and doctrinal analysis of the criminalization and regulation of sex, and provide the critical tools required to evaluate legislators’ and the criminal justice system’s governance of sex and sexuality.

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

### REQUIRED TEXTS:

Chester Brown (2013) *Paying for It: A Comic Strip Memoir about Being a John*. Toronto: Drawn and Quarterly. (Available at Octopus Books, located at 116 Third Avenue (off Bank Street in The Glebe).

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

## 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) (approx. 3 double spaced pages each)
- Presentation & Discussion Facilitation: 20% (Dates to be determined)
- Final Research Paper: 40% (4000-4500 words, Due: Monday, Dec. 5<sup>th</sup> 2016)

**Please note:** Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

### **Class Participation:**

The seminar format relies on students taking an active role in generating, sharing, and learning 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 that a range of students participate *I will call on people* to canvass their analysis of the readings and the issues if need be. Your participation grade is reflective of: your attendance; your ability to discuss the **specifics of the assigned texts** and **themes directly related to the texts**; your ability to make connections between readings, earlier class discussions, as well as comments made during class; and, the quality of the insights you bring to the discussion.

### **Critical Summaries:**

Each week of our course is organized by an overarching theme (ex: "Public Sex"). You are required to summarize **2** assigned readings from **4** different course themes (for a grand total of 8 critical summaries). Each set of critical summaries is worth 5% (for a total of 20% of the course grade). You do not need to tell me in advance which weeks you'll be writing critical summaries for, you can decide for yourself as the course progresses. Try to time your summaries for weeks that really interest you but also for those weeks when you don't have much else due.

Each article's summary should be approximately 3 double spaced pages (for a total of 6 double spaced pages per theme). **At least one set of summaries needs to be submitted by the 4th week of class so that you will have the benefit of my comments for improving future summaries.** Please do not forget to submit the summaries prior to the end of each class as late summaries will not be accepted. Please note that if you do poorly on a summary you will **not** be given the opportunity to make it up on another week.

Why write weekly summaries? Summarizing helps you to fully engage with and understand the reading. Your summary will demonstrate your comprehension of the complexities of the issues. The summaries will also better prepare you to engage in our class discussions.

The summary should include the following:

1. A concise and specific explanation of the main goal of the text. Generalized descriptions of goals (ex: the author's goal is to theorize sadomasochism) should be avoided as these do not demonstrate that you have read the article closely or synthesized the specific interests that the author has in the topic that they are writing about.
2. All scholarship has a theoretical framework and a methodology. What theoretical framework and methodology is used by the author(s) to help them achieve their stated goal?
3. What *specific* arguments are advanced by the author(s) in the text?
4. What is the specific conclusion or "take home message" of the text?
5. Come up with 1 original and thoughtful question per article that you would like to discuss with the class.

### **Presentation and Discussion Facilitation for one course reading:**

In week 1 of the term you will choose one course reading to present and facilitate a discussion of. Your presentation should be between 12-15 mins. You should identify the author's key goals, central questions, key arguments and their take-away message. In addition you should highlight what *new* information it adds to the course to date. The discussion 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. Your discussion questions/activities should be well considered and original. Please feel free to discuss with me any ideas you might want to try out. All class facilitation documentation (PowerPoint presentations, written notes) should be submitted to me in hard and electronic copy at the end of the presentation/facilitation.

### **Final Research Paper:**

Final Research Paper (4000-4500 words) due **Monday, December 5th 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. Further details will be distributed in class on **October 31<sup>st</sup>, 2016**.

### **STATEMENT ON PLAGIARISM**

The University Senate defines plagiarism as "presenting, whether intentionally 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 a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment 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."

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

## **INTELLECTUAL PROPERTY**

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s).

Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

## **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 that you should know about prior to class, you may be sent an email on your Carleton account. E-mails will generally be returned within **two business days**. **Please note that I read and respond to email between 9:00am-6:00pm on weekdays. Emails received late on Friday may not be responded to until the following Tuesday.**

### **(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.

## **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 see the Student Guide

**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 see the Student Guide

**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).

## CRCJ 4001A: Course Schedule & Readings

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

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### WEEK 1

#### September 12: Introduction to the Course

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

\*\*\*Demonstration of Article Presentation\*\*\*

Tatjana Hörnle (2014) "Consensual Adult Incest: A Sex Offence?" *New Criminal Law Review* 17(1): 76-102.

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### WEEK 2

#### September 19: Introduction to Key Theoretical Frameworks (Power, Pleasure & Identity)

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

Gayle Rubin (1984) "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in Carol Vance (ed.) *Pleasure and Danger: Exploring Female Sexuality* (Boston: Routledge, 1992): 267-319.

Jane Ward (2008) "Dude-Sex: White Masculinities and 'Authentic' Heterosexuality Among Dudes Who Have Sex With Dudes," *Sexualities* 11(4): 414-434.

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### WEEK 3

#### September 26: Introduction to Key Theoretical Frameworks (Shame, Consent & Criminalization)

"Tea Consent" <https://vimeo.com/126553913> (Copyright 2015 Emmeline May and Blue Seat Studios)

“The one reason I haven’t shared that tea/consent thing”  
<http://www.thedirtynormal.com/blog/2015/05/14/the-one-reason-i-havent-shared-that-teaconsent-thing/>  
(Please read comments)

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.

Kate Sutherland (2000) “Legal Rites: Abjection and the Criminal Regulation of Consensual Sex,” *Saskatchewan Law Review* 63: 120-143.

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#### **WEEK 4**

##### **October 3: “Asking for it”: Non/Consensual Sex**

“Men’s Rights Response to the tea consent video”  
[https://www.reddit.com/r/MensRights/comments/46kv9n/my\\_response\\_to\\_the\\_tea\\_consent\\_video/](https://www.reddit.com/r/MensRights/comments/46kv9n/my_response_to_the_tea_consent_video/) (Please read comments thread)

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

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

Jacob Gersen & Jeannie Suk (2016) “The Sex Bureaucracy” *California Law Review* 104: 1-59.

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##### **October 10: NO CLASS—THANKSGIVING**

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#### **WEEK 5**

##### **October 17: “Paying for it”: Commercial Sex**

###### **Guest Presenter: TBD**

Lauren Sampson (2014) “‘The Obscenities of this Country’: *Canada v. Bedford* and the Reform of Canadian Prostitution Laws,” *Duke Journal of Gender Law and Policy* 22: 137-172.

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 24: NO CLASS-WINTER READING WEEK**

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**WEEK 6**

**October 31: "Jail bait": Age, Cognitive Ability and Consent**

**\*\*\*Guidelines for final research paper distributed\*\*\***

Dauda, C. L. (2010) "Sex, Gender and Generation: Age of Consent and Moral Regulation in Canada," *Politics and Policy* 38(6): 1159-1185.

Hunt, K. (2009) "Saving the Children: (Queer) Youth Sexuality and Age of Consent in Canada," *Sexuality Research and Social Policy* 6(3): 15-33.

Anna Arstein-Kerslake and Eilionóir Flynn (2015) "Legislating Consent: Creating an Empowering Definition of Consent to Sex That Is Inclusive of People With Cognitive Disabilities" *Social and Legal Studies* 25(2): 225-248.

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**WEEK 7**

**November 7: "Representing it" Part 1: Adult Obscenity**

Richard Jochelson and Kirsten Kramar (2011) Chapter 1. "Theoretical Debates: Harm in the Context of Obscenity and Indecency Law in Canada" in *Sex and The Supreme Court: Obscenity and Indecency Laws in Canada*, Halifax: Fernwood Publishing. 8-33.

Brenda Cossman (2014) "Censor, Resist, Repeat: A History of Censorship of Gay and Lesbian Sexual Representation in Canada," *Duke Journal of Gender Law and Policy* 21: 45-66.

Margot Kaplan, (2014) "Sex Positive Law" *New York Law Review* 89: 89-164. (read pp. 90-114).

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**WEEK 8**

**November 14: "Representing it" Part 2: Child Pornography/'Sexting'**

Lise Gotell, (2001/2002) "Inverting Image and Reality: *R. v. Sharpe* and the Moral Panic Around Child Pornography" *Constitutional Forum* 12(1): 9-22.

Amy Adler, (2001) "The Perverse Law of Child Pornography". *Columbia Law Review*, 101(2), 209-234; 245-273.

Lara Karaian, (2013/2014) "Policing 'Sexting': Responsibilization, Respectability and Sexual Subjectivity in Child Protection/Crime Prevention Responses to Teenagers' Digital Sexual Expression" *Theoretical Criminology*. 18(3): 282-299.

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**WEEK 9**

**November 21: "Hurting for it": Kinky Sex**

Meg Barker (2013) "Consent is a Grey Area? A Comparison of Understandings of Consent in Fifty Shades of Grey and on the BDSM Blogosphere" *Sexualities* 16(8): 896-914.

Elaine Craig (2014) "Capacity to Consent to Sexual Risk," *New Criminal Law Review* 17(1): 103-134.

Ummni Khan (2014) "The Legal Fondling of S/M Practice" In *Vicarious Kinks: S/M and the Socio-legal Imaginary*. Toronto: University of Toronto Press. pp. 225-246; 252-270

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## **WEEK 10**

### **November 28: "Flaunting it": Public Sex**

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

Kevin Walby (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.

Phil Hubbard and Rachela Colosi (2012) "Sex, Crime and the City: Municipal Law and the Regulation of Sexual Entertainment," *Social and Legal Studies* 22 (1): 67-86.

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## **WEEK 11**

### **December 5: "Medicalizing it" Part 1: "Sick" Sex?**

**\*\*\*\*FINAL RESEARCH PAPER DUE\*\*\*\***

Valerie Bell, Craig Hemmens, & Benjamin Steiner (2006) "Up Skirts and Down Blouses: A Statutory Analysis of Legislative Responses to Video Voyeurism" *Criminal Justice Studies* 19 (3): 301-314.

John Troyer (2008) "Abuse of a Corpse: A Brief History and Re-theorization of Necrophilia Laws in the USA". *Morality* 13 (2): 132-152.

D.J. Williams, Jeremy N. Thomas, Emily E. Prior (2015) "Moving Full-Speed Ahead in the Wrong Direction? A Critical Examination of US Sex-Offender Policy from a Positive Sexuality Model" *Critical Criminology* 23(3): 277-294.

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## **WEEK 12**

### **FRIDAY December 9: "Medicalizing it" Part 2: (Dis)eased Sex**

Sharon Cowan (2014) "Offenses of Sex or Violence? Consent, Fraud, and HIV Transmission," *New Criminal Law Review* 17(1): 135-161

Oliver Davis (2015) "Introduction: A Special Issue of Sexualities: Bareback Sex and Queer Theory Across Three National Contexts (France, UK, USA)" *Sexualities* 2015, Vol. 18(1/2) 120-126 (**Not eligible for summary**)

Chris Ashford, (2015) "Bareback Sex, Queer Legal Theory, and Evolving Socio-Legal Contexts" *Sexualities* 18 (1/2): 195-209.

Course wrap-up.

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**END OF TERM! ENJOY YOUR WINTER BREAK!**