

730-207 Law and Sexuality

Credit Points:	12.50
Level:	1 (Undergraduate)
Dates & Locations:	This subject is not offered in 2009.
Time Commitment:	Contact Hours: One 2-hour seminar per week Total Time Commitment: Estimated total time commitment of 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>The subject focuses on the variety of ways in which law regulates and constitutes sexualities. It aims to provide a theoretical framework which highlights the complexity and contradictions inherent in the construction of sexualities, from an interdisciplinary perspective; to give students a sample of various legal controversies surrounding sexuality; to consider the interaction of gender, class, race and sexuality issues; to consider the relationship between 'queer' theory, lesbian and gay theory and feminist theory; and to consider the relationship between activism and the legal process. Topics covered will include: identity politics, constructionism/essentialism and queer theory; criminalisation of gay (male?) sex.; criminalisation of (gay?) sadomasochistic sex; regulation of prostitution; regulation of pornography - feminist and queer perspectives; equality and non discrimination; the family as ideology and relationship recognition in Victoria; same-sex and transgender marriage; becoming a parent - access to assisted reproductive services; recognition of gay, lesbian and transgender parenting.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing.</p>
Objectives:	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> • have developed an understanding of <ul style="list-style-type: none"> - the ways in which law regulates sexual activity - the ways in which law participates in the construction of sexual identities - the theoretical debates around the interaction of law and sexuality, including interdisciplinary perspectives - selected case-studies of the regulation of sexual activity • be able to draw on this understanding to <ul style="list-style-type: none"> - describe and critically analyse the ways in which law regulates sexuality - identify relevant cases and statutes, and state and critically analyse the legal principles that emerge from them - apply these legal principles to new fact situations to construct arguments about the ways in which law should (or should not) regulate sexuality - present these descriptions, analyses and applications of principles in the form of written arguments that are appropriately structured, developed, supported and referenced
Assessment:	Reflective essay of 1500 words, 20% (due final day of semester) and research essay of 5000 words, 80% (due during the examination period).

Prescribed Texts:	Printed materials will be issued by the Melbourne Law School.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> • attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage • the capacity for close reading and analysis of a range of sources • the capacity for critical and independent thought and reflection • the capacity to solve problems, including through the collection and evaluation of information • the capacity to communicate, both orally and in writing • the capacity to plan and manage time • the capacity to participate as a member of a team • intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> • case reading and analysis, including an ability to: <ul style="list-style-type: none"> - read complex cases, including unedited cases in the law reports - extract important features from judgments - evaluate the development of legal principles - apply legal principles arising from case law to new situations • statutory reading, interpretation and analysis, including an ability to: <ul style="list-style-type: none"> - extract important features from statutes - use, interpret and apply statutory provisions to new situations • legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> - critically analyse legal rules with reference to relevant theoretical debates - apply case law and statutory provisions to unfamiliar fact situations - develop and present an appropriately structured and supported legal argument • legal research skills, including an ability to: <ul style="list-style-type: none"> - find case law - find statutes and subordinate legislation - find comparative law material • legal writing skills, including an ability to: <ul style="list-style-type: none"> - use case law as part of legal analysis - use statutes as part of legal analysis - identify and summarise legal principles - identify and summarise theoretical debates - use proper referencing and citation - present an appropriately structured and supported complex legal argument • oral communication skills in participating in classroom problem solving and discussion • an ability to work in groups to solve problems and critically analyse legal materials in a classroom setting • have enhanced general cognitive skills in relation to reading and comprehending legal materials; logical analysis and reasoning; legal research and writing; application of legal principles to factual situations; identifying relevant factual information; identifying and considering options to resolve legal problems; drawing on the knowledge of other disciplines to understand and resolve legal issues.