LAWS570

Pleasure and Danger: Sex and the Law

S2 Day 2017

Dept of Law

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General Information

Unit convenor and teaching staff Senior Lecturer Kate Gleeson kate.gleeson@mq.edu.au Contact via 9850 4091 W3A 615 Wednesday 9am-10am.
Credit points 3
Prerequisites (24cp in LAW or LAWS units) or (39cp at 100 level or above including LAWS260)
Corequisites
Co-badged status
Unit description This unit examines the regulation of sex under the rubric of "pleasure and danger" to determine the fundamental principles informing law in this most intimate of areas. With a focus on the values of agency, capacity and autonomy, students will critically examine contemporary examples of legal regulation concerning consent, including cases of sexual assault, disease transmission, regulation of the internet and “underage sexting”, and contemporary debates about migration and “sexual slavery”. Students will be introduced to critical theories by which to assess relevant contemporary cases, legislation and other legal initiatives regulating sexual pleasure and danger in Australia and internationally.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

Apply critical feminist theoretical approaches to the study of law.

Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.

Formulate independent and informed arguments about the advantages and

disadvantages of the contemporary regulation of sexual behaviours and intimacy.

Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy

Conduct comprehensive independent critical research.

Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

General Assessment Information

Details of the assessment tasks and due dates are provided on Ilearn. All assessments are to be submitted electronically via Turnitin.

Macquarie Law School policy on assessment

In the absence of a successful application for "disruption to studies", any assessment task submitted after its deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit and the University's Academic Honestly Policy is strictly applied.

Assessment Tasks

Name	Weighting	Hurdle	Due
Tutorial Participation	15%	No	continuous
Court judgment	35%	No	5 October 2017
Major research essay	50%	No	16 November 2017

Tutorial Participation

Due: **continuous**
Weighting: **15%**

Tutorial Participation

Tutorials in this unit only work if all students attend and give the entire group the benefit of their views based upon the readings and their experience. Specific readings and exercises will be set for each tutorial. The tutorial program is set out on iLearn in a weekly format.

Attendance alone will not attract any marks. It is expected that students will have read all the required readings for each week, listened to the relevant lectures, and will come to classes prepared to discuss the topic set for that week. Tutors will engage in ongoing assessment of

student participation using the following criteria:

1. Preparation and understanding of material: the student has listened to the lecture, read the required reading and has attempted to link the materials to the lectures, to other course materials, to their own knowledge and to current affairs.

2. **Ability to think critically about the material**: the student is able to think critically about the materials from different angles and is able to question the materials

3. **Clear expression of ideas**: the student is able to clearly express their ideas about the materials

4. **Engaging with other students**: the student engages with others in the class taking an active role in discussions debates and other activities assigned by the tutor. The student responds to others in the class respectfully, by listening to them, providing constructive feedback and asking questions.

5. **Demonstration of skills**: The student is able to demonstrate communication skills including listening skills.

A failure to meet the above requirements will lead to a mark of zero for participation unless the student submits a Disruption to Studies application justifying their lack of participation, online at ask.mq.edu.au

Tutors will provide early feedback to all tutorial groups about the quality of students' participation.

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- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Court judgment

Due: **5 October 2017**
Weighting: **35%**

Students will select one court case from those provided by the convenor and write an alternative

judgment emphasising the value of sexual agency as presented in the unit.

On successful completion you will be able to:

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- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Major research essay

Due: **16 November 2017**
Weighting: **50%**

Students will prepare a major research essay examining one of the weekly case studies of the unit, focusing on the theme of sexual integrity as presented in the unit.

On successful completion you will be able to:

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- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Delivery and Resources

This unit requires students to attend or audit online (through Echo360) a weekly 2 hour lecture and attend a weekly 1 hour tutorial.

In addition, students are required to access the unit's iLearn page to review online content including assigned readings (available through e-reserve linked through iLearn)

Student workload, in accordance with university guidelines, is 3 hours per credit point per week (over a 15 week term), and can be estimated as follows:

24 hours - attendance of lectures and tutorials

56 hours - readings, review of online content and self-study

55 hours - assessment tasks

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135 hours total

Students will also be required to use a computer to interact with online research databases and web-based research tools.

Unit Schedule

Week	Date	Lecture	Tutorial	Assessment
1	3/8	Introduction – positive consent.	No tutorial.	
2	10/8	History of sex law.	Positive consent .	
3	17/8	Autonomy and NSW rape law reform.	History of sex law.	
4	24/8	'Real rape' and rape by fraud and with alcohol.	Autonomy and NSW rape law reform.	
5	31/8	Disease Transmission and consent.	'Real rape' and rape by fraud and with alcohol.	
6	7/9	The feminist judgments project.	Disease transmission and consent.	
7	14/9	Gender Neutrality? Male victims.	Feminist judgments project.	
	21/9			
	28/9			
8	5/10	Homophobia and the law.	Gender neutrality? Male victims.	Judgment due.
9	12/10	Policing transgender sex.	Homophobia and the law.	
10	19/10	Underage 'sexting'	Policing transgender sex.	
11	26/10	Image based abuse ('Revenge porn').	Underage 'sexting'.	
12	2/11	Sex and capacity & conclusions.	Image based abuse (Revenge porn).	

13	9/11	No lecture	Sex and capacity.	
	16/11			Essay due.

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.html

Grade Appeal Policy http://mq.edu.au/policy/docs/gradeappeal/policy.html

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration

In addition, a number of other policies can be found in the Learning and Teaching Category of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au.

Macquarie Law School policy on assessment

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Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit and the University's Academic Honestly Policy is strictly applied.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://stu

dents.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

Student Services and Support

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Assessment task

- Major research essay

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.
- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.

Assessment tasks

- Tutorial Participation
- Court judgment
- Major research essay

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

- Apply critical feminist theoretical approaches to the study of law.
- Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.
- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Assessment tasks

- Court judgment
- Major research essay

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Apply critical feminist theoretical approaches to the study of law.
- Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.
- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.

Assessment tasks

- Tutorial Participation
- Court judgment
- Major research essay

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Apply critical feminist theoretical approaches to the study of law.
- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy

- Conduct comprehensive independent critical research.

Assessment tasks

- Tutorial Participation
- Court judgment
- Major research essay

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.

Assessment tasks

- Court judgment
- Major research essay

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcome

- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Assessment tasks

- Tutorial Participation

- Court judgment
- Major research essay

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Apply critical feminist theoretical approaches to the study of law.
- Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.
- Formulate independent and informed arguments about the advantages and disadvantages of the contemporary regulation of sexual behaviours and intimacy.
- Identify the moral and political values that inform the historical and contemporary regulation of sexual behaviours and intimacy
- Conduct comprehensive independent critical research.

Assessment tasks

- Tutorial Participation
- Court judgment
- Major research essay

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Understand and explain the different ways in which sexual behaviours and intimacy are regulated by the criminal law in a variety of jurisdictions.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.