

Fordham University School of Law
Spring 2009 Upper Class Course Details

Course Title: SEXUALITY AND THE LAW

Message from Professor:

Important Note: As of 01/20/2009, an updated SYLLABUS has been attached to this EBoard. Please download for further information.

This seminar will examine how the law has dealt with, applied to, and been enforced on issues relating to sexuality, and how sexual orientation influences the application of legal rules to individuals in our society. First, the seminar will explore the differing theoretical approaches to sexuality that provide the foundations for diverging legal perspectives. Then we will discuss the role of law in shaping the social meaning of sexuality, and how legal rights, protections, and deprivations have evolved based on identities as heterosexual, lesbian, gay, bisexual, transgender and HIV+ in a number of contexts including employment, education, marriage, sexual expression, family relationships and the military. Throughout the course, we will examine the extent to which assumptions about morality, gender, sex identity, and race have shaped the law's approach to sexuality, and how the movements for the rights of lesbian, gay, bisexual, transgender and HIV+ people are different from and similar to other rights movements. The course will emphasize constitutional doctrines, including equal protection, due process/privacy, and freedom of speech and association.

[Download syllabus or a file attached by professor](#)

Class Policies:

Politically and judicially, our nation and New York State remain divided and undecided about many of the issues that we will explore this semester. The two instructors in this course welcome all intelligent, coherent contributions to class discussion, inclusive of the broadest possible range of perspectives. We encourage each student to participate, listen respectfully to others, and consider and critique perspectives other than your own. No matter what your individual background or experiences, your education equips you to share relevant insights with the class, regardless of whether you have previously thought about the issues that we will discuss this semester.

For a copy of the class syllabus, please contact Professor Adam Aronson at adaronson@law.fordham.edu.*

Required Text:

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Our primary text will be *Sexuality, Gender and the Law* by William N. Eskridge, Jr., and Nan D. Hunter, 2nd edition 2004, including the 2007 Supplement to that text.

First Assignment:

The assignment for the first class is to review the "Born Gay ProCon" web site, <http://borngay.procon.org/>, which claims to "present[] in a simple, nonpartisan pro-con format, responses to the core question 'Is sexual orientation determined at birth?'" Please note and become familiar with the wide diversity of perspectives articulated at this web site.

In order of priority (with particular attention to items A. through C.) please read the following site pages:

A. "Top 10 Pros and Cons"

<http://borngay.procon.org/viewresource.asp?resourceID=5>
 B. "10-minute Summary"
<http://borngay.procon.org/viewresource.asp?resourceID=10>
 C. "Historical Timeline"
<http://borngay.procon.org/viewresource.asp?resourceID=28>
 D. "Same-Sex Marriage Timeline"
<http://borngay.procon.org/viewresource.asp?resourceID=25>
 E. "Issues and Questions: Social and Legal Implications"
<http://borngay.procon.org/viewsubissues.asp?issueID=20>
 (Explore the three links at that URL)

Items D. and E. above delve into some of the specific issues that we will be examining later in the semester. For the first class, we are not assigning any reading from the Eskridge & Hunter case book, which will be our main text during the semester.

Call Number: 12812
 Course ID: JUGL0781051

Course Description

This seminar will examine how the law has dealt with, applied to, and been enforced on issues relating to sexuality, and how sexual orientation influences the application of legal rules to individuals in our society. The seminar will address the role of the law in shaping the social meaning of sexuality, and how legal rights, protections, and deprivations have evolved based on identities as heterosexual, lesbian, gay, bisexual, and transgender in a number of contexts including employment, education, marriage, sexual expression, family relationships and the military. Throughout the course, we will examine the extent to which assumptions about morality, gender, sex identity, and race have shaped the law's approach to sexuality, and the ways in which the movement for lesbian, gay, bisexual, and transgender rights is different from and similar to other rights movements. The course will emphasize constitutional doctrines, including equal protection, due process/privacy, and freedom of speech and association. Our primary text will be *Sexuality, Gender and the Law* by William N. Eskridge, Jr. and Nan D. Hunter. Notes/Miscellaneous: This seminar examines how sexuality affects the structure and enforcement of the law, and how sexual orientation influences the application of legal rules to individuals in our society. First, the seminar will explore theoretical approaches to sexuality that build on and interrogate the post-structuralist approach that defines sexuality as a social construction, rather than an expression of historical instincts. The seminar will then address the role of the law in shaping the social meaning of heterosexuality and of lesbian, gay, bisexual, and transgender identities in a number of contexts including employment, education, marriage, sexual expression, family relationships and the military. Throughout the course, we will examine the extent to which sexuality is constructed in articulation with gender, class and race differences. Our primary text will be *Sexuality, Gender and the Law* by William N. Eskridge, Jr. and Nan D. Hunter.

Class Policies: Policies contained in the syllabus.

Required Text:
Sexuality, Gender, and the Law, Second Edition (Foundation Press 2004) William N. Eskridge, Jr., and Nan Hunter

Notes/Miscellaneous:
 Paper required.

Professor: ARONSON/DAVID

Day(s)	Room	Start	End
T	118	0600PM	0750PM

