

**SEMINAR: HUMAN RIGHTS AND SEXUAL POLITICS  
LAW 584**

**SPRING 2007 SYLLABUS  
REVISED JAN. 17, 2007**

**Instructor:**

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Classroom: 3211A

**Office Hours:**

Thursday from 2:00 pm to 4:00 pm and by appointment. Office: 3237.

**Overview:**

The topic of sexual politics cuts across issues in human rights, encompassing debates about gay rights, gender equality, cultural relativism, and U.S. foreign policy. This seminar will explore the role of law generally, and of human rights texts and principles in particular, in shaping global perspectives on sexuality. It will expose students to relevant theoretical issues in the legal literature and, to a lesser extent, in other disciplines grappling with this topic.

Students will look at the theoretical framework early in the seminar, followed by issue-oriented sessions which will serve as a vehicle to examine the ways in which theory plays out in practice. Issue-oriented sessions will address sexual orientation and privacy, HIV/AIDS, reproductive rights, sexual violence, international sex trafficking, and related topics.

The seminar will also emphasize contemporary developments in human rights legal advocacy. We will study the role of NGOs, examining the potential for – and the limits of – using a rights-based approach to sexuality issues. What do advocates mean when they talk about sexual rights? Do such rights exist apart from privacy rights or the right to equality? How do cultural differences come into play?

Students choosing to enroll in this course must be comfortable reading and discussing material of a sexual nature. Some required reading may be sexually explicit.

## **Course Assignments and Grades:**

There will be no examination. Each student will write one 18-22 page research paper. The paper will examine a specific topic related to sexuality and human rights, drawing upon assigned readings, discussion during class, and additional research conducted in legal publications and other academic journals. Topics must be approved in advance.

Each student will make a fifteen-minute class presentation on a topic related to the course, to include an analysis of the work of a human rights NGO conducting legal advocacy in the field.

Grades will be based on the final paper (50%), class presentation (25%), and overall class participation (25%). Late submissions will be graded down ½ grade per day.

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## **Required Texts:**

Women and Human Rights: The Basic Documents. Center for the Study of Human Rights, Columbia University (1996), hereinafter “Basic Documents.”

Course handouts.

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## **Schedule of Topics and Reading Assignments:**

WEEK 1; Jan. 10. (*Please read these materials before the first day of class.*)

*Introduction to Human Rights & Sexual Politics*

Universal Declaration of Human Rights, Basic Documents, p. 1.

International Federation of Red Cross and Red Crescent Societies et al., Human Rights: An Introduction in Mann, Jonathan M. et al (ed.), Health and Human Rights: A Reader. New York: Routledge Press (1999), p. 21-28. Hereinafter “Mann.”

Universal Declaration of Human Rights Contact Page: “The Universal Declaration of Human Rights is the Most Universal Document in the World.”

<http://www.unhchr.ch/udhr/miscinfo/record.htm>. *Please read homepage and briefly peruse the range of languages provided.*

Rosenblum, Peter. Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas. Harvard Human Rights Journal 15: 301-315, Spring 2001.

Narrain, Avirind. Human Rights and Sexual Minorities: Global and Local Contexts. Law, Social Justice and Human Development, 2001.

Scheinin, Martin. Sexual Rights as Human Rights – Protected under Existing Human Rights Treaties? Nordic Journal of International Law. 67:17-35, 1998.

International Covenant on Civil and Political Rights, Basic Documents, p. 5.

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WEEK 2; Jan. 17

*Evolutions and Challenges in Sexual Rights and Human Rights*

Miller, Alice M. Sexual But Not Reproductive: Exploring the Disjunction of Sexual and Reproductive Rights. Health and Human Rights 7(2): 5-15, 2004.

Saiz, Ignacio. Bracketing Sexuality: Human Rights and Sexual Orientation – A Decade of Development and Denial at the UN. Health and Human Rights. 7(2): 49-80, 2004.

Price Minter, Shannon. Do Transsexuals Dream of Gay Rights? Getting Real about Transgender Inclusion. In Currah, Paisley et al (ed.), Transgender Rights. Minneapolis: University of Minnesota Press (2006). p. 141-170.

An-Na'im, Abdullahi. Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman or Degrading Treatment or Punishment. In Abdullahi Ahmed An-Na'im (Ed.), Human Rights in Cross-Cultural Perspective: A Quest for Consensus. Philadelphia: University of Pennsylvania Press, 1992. p. 19-43.

Convention on the Elimination of All Forms of Discrimination Against Women, Basic Documents, p. 59.

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WEEK 3; Jan. 24

*Female Genital Mutilation, Public Health, and Cultural Relativism*

Mann, p. 7-20.

Mann, Jonathan M. et al, Health and Human Rights.

Mann, p. 29-34.

International Federation of Red Cross and Red Crescent Societies et al., *Public Health: An Introduction*.

Mann, p. 336-351.

Annas, Catherine L. *Irreversible Error: The Power and Prejudice of Female Genital Mutilation*.

Steiner, Henry et. al. Comment on the Universalist - Relativist Debate. In Henry Steiner and Phillip Alston, *Human Rights in Context: Laws, Politics, Morals*. Oxford: Oxford University Press, 2000. p. 366-368; Collection of FGM perspectives, p. 416-424.

United Nations, *The Challenge of Human Rights and Cultural Diversity*.  
<http://www.un.org/rights/dpi1627e.htm>.

18 U.S.C.A. § 116 “Female Genital Mutilation.”

42 U.S.C.A. § 241 “Female Genital Mutilation.”

CEDAW Committee, General Recommendation 14: Female Circumcision, Basic Documents, p. 154.

*Please also be prepared to discuss the Abdullahi An-Na'im piece assigned for Week 2.*

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WEEK 4; Jan. 31

*Contemporary Sexuality Discourse*

Weeks, Jeffrey. *Necessary Fictions: Sexual Identities and the Politics of Diversity*. In *Invented Moralities: Sexual Values in An Age of Uncertainty*. New York: Polity Press, 1995. p. 82-123.

Rubin, Gayle. *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality*. In Carole S. Vance (ed.), *Pleasure and Danger: Exploring Female Sexuality*. Boston: Routledge & Kegan Paul, 1984. p. 267-319.

Lambevski, Sasho. *Suck My Nation: Masculinity, Ethnicity, and the Politics of (Homo)sex*. *Sexualities* 2(4): 397-419, 1999.

*Form groups in class and develop sexual hierarchy chart.*

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WEEK 5; Feb. 7.

*The Politics of Representation of Sexuality and Rights*

Kleinman, Arthur and Joan. The Appeal of Experience; The Dismay of Images: Culture Appropriations of Suffering in Our Times. Daedalus 125 (1):1-23. (p. 1-12 most importantly.)

Miller, Alice M. Sexuality, Violence Against Women, and Human Rights: Women Make Demands and Ladies Get Protection. Health and Human Rights. 7(2):17-47, 2004.

Stemple, Lara. Rape and Reality on HBO's OZ. Forthcoming in Merri Lisa Johnson (ed.), Jane Puts It in a Box: Third Wave Feminist Television Studies. London: Tauris, 2007.

Crimp, Douglas. AIDS: Cultural Analysis/Cultural Activism. In Melancholia and Moralism: Essays on AIDS and Queer Politics. Cambridge: MIT Press, 2002. p. 26-40.

Hurewitz, Daniel. Sexuality Scholarship as a Foundation for Change: Lawrence v. Texas and the Impact of the Historians' Brief. Health and Human Rights. 7(2):205-216, 2004.

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WEEK 6; Feb. 14

*The Roman Catholic Church and the Politics of Childhood Sexual Abuse*

John Jay College of Criminal Justice. The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 2004. Executive Summary, [http://johnjay.jjay.cuny.edu/churchstudy/\\_pdffiles/exec.pdf](http://johnjay.jjay.cuny.edu/churchstudy/_pdffiles/exec.pdf)

Catholics for a Free Choice. The Holy See and the Convention on the Rights of the Child: A Shadow Report. Washington, D.C.: Catholics for a Free Choice, 2002.

The Catechism of the Catholic Church (excerpts). The Roman Catholic Church's Official Teaching on Homosexuality, [http://www.beliefnet.com?story/97/story\\_9742\\_1.html](http://www.beliefnet.com?story/97/story_9742_1.html)

The Catechism of the Catholic Church (excerpts). Official Catholic Church Teaching on Celibacy for Priests, [http://beliefnet.com/story/104/story\\_10454\\_1.html](http://beliefnet.com/story/104/story_10454_1.html)

Jordan, Mark D. The Silence of Sodom: Homosexuality in Modern Catholicism. Chicago: University of Chicago Press, 2002. p. 85-112.

Jenkins, Philip. Pedophiles and Priests: Anatomy of a Contemporary Crisis. Oxford: Oxford University Press, 1996. p. 77-94.

Collection of articles from The Boston Globe on celibacy in the priesthood:

Carroll, James. From Celibacy to Godliness. The Boston Globe, April 9, 2002.

Groome, Thomas H. The Free Flow of Fresh Air. The Boston Globe, May 19, 2002.

White, Kevin R. Sacrifice and Celibacy. The Boston Globe, March 6, 2002.

Wills, Gary. The Scourge of Celibacy. The Boston Globe, March 24, 2002.

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WEEK 7; Feb. 21

*HIV/AIDS, Human Rights, and Abstinence Education*

Mann, 216-225.

Jonathan M. Mann. Human Rights and AIDS: The Future of the Pandemic.

Mann, 35-44.

Intro to section and George J. Annas. The Impact of Health Policies on Human Rights: AIDS and TB Control.

Mann, 202-214.

Jacque du Guerny and Elisabeth Sjoberg. Interrelationship Between Gender Relations and the HIV/AIDS Epidemic: Some Possible Considerations for Policies and Programs.

UNAIDS (The Joint United Nations Programme on HIV/AIDS). HIV/AIDS, Human Rights & Law, at [http://www.unaids.org/en/in+focus/hiv\\_aids\\_human\\_rights.asp](http://www.unaids.org/en/in+focus/hiv_aids_human_rights.asp).

Girard, Françoise. Global Implications of U.S. Domestic and International Policies on Sexuality. IWGSP Working Papers, No. 1, June 2004. (*Focus on p. 2-15, though remainder of the publication is relevant to other course topics.*)

Irvine, Janice. Born Again Sexual Politics. In Talk About Sex: the Battle Over Sex Education in the United States. Berkeley: University of California Press, 2002. p. 63-80.

Choosing the Best. Setting the Record Straight, Answering The Tough Questions about Abstinence Education and Choosing the Best, at [http://www.choosingthebest.org/why\\_abstinence/index.html](http://www.choosingthebest.org/why_abstinence/index.html).

U.S. Department of Health and Human Services. Sexual Development and Health Issues: Contraception, at <http://www.4parents.gov/topics/contraception.htm>.

Human Rights Watch. Letter Urging Removal of Government Website Censoring Critical HIV Prevention Information, April 6, 2005, at <http://hrw.org/english/docs/2005/04/06/usdom10432.htm>.

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USAID, Press Release: \$100 Million in Abstinence-Focused Grants for HIV/AIDS Prevention Awarded Under President Bush's Emergency Plan for AIDS Relief. October 05, 2004, at <http://www.usaid.gov/press/releases/2004/pr041005.html>.

USAID, Press Release: Zambian Youth Respond Positively to Abstinence Message. July 11, 2002, at <http://www.usaid.gov/press/releases/2002/pr020711.html>.

Peterson, E. Ann. Fighting AIDS: The Faith-Based Solution. The Washington Times. April 6, 2003.

Human Rights Watch, Ugandans Resist Anti-Condom Agenda, Letter to Uganda's Ministry of Health, September 2005, at <http://www.hrw.org/english/docs/2005/09/14/uganda11744.txt.htm>.

*Oral presentation topic proposal due.*

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WEEK 8; Feb 28.

*Sex Trafficking*

Trafficking Victims Protection Act of 2000. 22 USC 7101.

Chapkis, Wendy. Trafficking, Migration, and the Law: Protecting Innocents, Punishing Immigrants. Gender and Society. 17(6): 923-937, 2003.

Cheng, Sealing. Interrogating the Absence of HIV/AIDS Interventions for Migrant Sex Workers in South Korea. Health and Human Rights. 7(2):193-204, 2004.

Brennan Center for Justice, Memorandum: Constitutionality of Anti-Prostitution Pledge in the AIDS Act. June 13, 2005.

Zimmerman, Cathy et al. The Health Risks and Consequences of Trafficking in Women and Adolescents. London: London School of Hygiene and Tropical Medicine, 2003.

Buza, Joanna et al. Trafficking and Health. British Medical Journal. vol. 328 (June 5, 2004): 1370-1371.

Kazmin, Amy. Deliver Them from Evil. Financial Times. July 10, 2004.

Cedars Cultural and educational Foundation. Conference Program Agenda, "Preventing Abuse conference on Human Trafficking and Child Abduction." Nov. 9, 2005.

Coalition Against Trafficking in Women (CATW). Primer on Sex Trafficking. No date.

Recent new articles, TBA.

*Groups will be assigned for in-class exercise on the politics of sex trafficking.*

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WEEK 9; March 7.

*Sexual Violence Against Men in Detention*

Struckman-Johnson, Cindy and Struckman-Johnson, David. Sexual Coercion Rates in Seven Midwestern Prison Facilities for Men, The Prison Journal, Vol. 80 No. 4, December 2000. p. 379-389.

Messerschmidt, James W. Masculinities, Crime, and Prison, in Prison Masculinities, Philadelphia: Temple University Press, 2001. p. 67 -71.

Kupers, Terry A. Rape and the Prison Code, in Prison Masculinities, Philadelphia: Temple University Press, 2001. p. 111-117.

Farmer v. Brennan. 511 U.S. 825 (1994).

Stop Prisoner Rape. Public Attitudes Toward Prisoner Rape, at <http://www.spr.org/en/factsheetattitudes.html> .

Stop Prisoner Rape. Prisoner Rape is Torture Under International Law, at <http://www.spr.org/en/factsheettorture.html> .

Human Rights Watch. Background, in No Escape: Male Rape in U.S. Prisons, New York: Human Rights Watch, 2001, at [http://www.hrw.org/reports/2001/prison/report2.html#\\_1\\_8](http://www.hrw.org/reports/2001/prison/report2.html#_1_8)

Donaldson, Steven; Stop Prisoner Rape. Hooking Up: Protective Pairing for Punks, at [http://www.spr.org/en/ps\\_hookingup.html](http://www.spr.org/en/ps_hookingup.html)

Shenitz, Bruce. Prison Sex Slave, Out, Sept. 2004. p.112.

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WEEK 10; March 14.

*The Politics of International Reproductive Rights Advocacy*

*Guest Speaker: Katherine Hall-Martinez, former Director of the International Program at the Center for Reproductive Rights in New York.*

Basic Documents, p. 156.

Programme of Action of the United Nations International Conference on Population and Development: Reproductive Rights and Reproductive Health, 1994.

Mann, 145-172.

Lynn P. Freedman, "Censorship and Manipulation of Family Planning Information: An Issue of Human Rights and Women's Health."

Turman, Tomris. Reproductive Rights: How to Move Forward? Health and Human Rights 4(2): 31-36, 2000.

The Center for Reproductive Rights and Ipas. Myths and Realities: Debunking USAID's Analysis of the Global Gag Rule. Fact Sheet, October 2003.

The Center for Reproductive Rights. Breaking the Silence: The Global Gag Rule's Impact on Unsafe Abortion (excerpts). New York, NY: Center for Reproductive Rights, 2003.

The Center for Reproductive Law and Policy v. Bush. 2001 WL 868007 (S.D.N.Y.).

The Center for Reproductive Rights and Poradna. Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia (excerpts). New York, NY: Center for Reproductive Rights, 2003.

The Center for Reproductive Rights and Association des Juristes Mailennes. Claiming Our Rights: Surviving Pregnancy and Childbirth in Mali (excerpts). New York, NY: Center for Reproductive Rights, 2003.

*Final paper topic proposal due. May be submitted earlier if you wish.*

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WEEK 11; March 21.

*Guest Speaker: Marc E. Angelucci, Esq., President, National Coalition of Free Men, Los Angeles Chapter.*

Fox, John. How Men's Movement Participants View Each Other, The Journal of Men's Studies, Vol. 12 No. 2, Winter 2003. p. 103-118.

Farrell, Warren. The Myth of Male Power: Why Men are the Disposable Sex, New York: Simon Schuster, 1993. p. 27-37.

Kelly, Linda. Disabusing the Definition of Domestic Abuse: How Women Batter Men and the Role of the Feminist State, Florida State University Law Review, Vol. 30. 791 (excerpts).

Smith, Jacqueline. Male Circumcision and the Rights of the Child, in: Mielle Bulterman, Aart Hendriks and Jacqueline Smith (Eds.), To Baehr in Our Minds: Essays in Human Rights from the Heart of the Netherlands, Netherlands Institute of Human Rights (SIM), University of Utrecht, Utrecht, Netherlands, 1998. p. 465-498, available at <http://www.cirp.org/library/legal/smith/>.

Michael M. v. Superior Court of Sonoma Cty. 450 U.S. 468 (1981).

National Coalition of Free Men (NCFM), Philosophy (no date), available at <http://www.ncfm.org/printpage.php>.

National Coalition of Free Men Los Angeles Chapter, organizational brochure (no date).

Rapattoni, Linda. Seeking Help for Nontraditional Victims of Domestic Violence. The Los Angeles Daily Journal. Feb. 23, 2006.

California Women's Law Center, Press Release: Lawsuit Against Women's Shelters Dismissed: A Victory for Common Sense and Justice. Oct. 14, 2003, at [http://www.cwlc.org/pr\\_shelter\\_victory.pdf](http://www.cwlc.org/pr_shelter_victory.pdf).

Lewin, Tamar. Unwed Fathers Fight for Babies Placed for Adoption by Mothers. The New York Times. March 19, 2006.

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WEEK 12; April 4.

*Class Presentations*

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WEEK 13; April 11.

*Class Presentations*

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WEEK 14; April 18.

*Pleasure and Sexual Politics*  
*Course Wrap-up*

In contrast to many of our discussion in which we have examined human rights instruments related to sexuality and read human rights report about abuses and violations, we have read little that addresses the concept of pleasure. For our last class, we will consider the politics of pleasure – and its relevance to sexuality and rights.

Please bring the following three statements to our last class, each on a separate piece of paper with no names attached.

1. Write one or two sentences expressing a sexual right, existing or imagined.
2. Write one or two sentences relaying something you learned about sexual politics that you didn't know before the class.
3. Write a few sentences about an experience you have had regarding sexual pleasure or displeasure (remember these are anonymous).

In general, students have found this to be an enriching exercise. I encourage you to participate and anonymity is very easy to ensure. However, if you are uncomfortable participating in number 3, above, simply write that you decline to participate on the paper and pass that in instead.

The pages will be distributed randomly and read aloud without knowing the author. The goal of this activity is to enrich our concluding class with issues that are pertinent to our lives and to contribute to our reflections about the course.

*Assigned readings*

McDeromott, Alice. Enough. The New Yorker, April 10, 2000, p. 82-85.

Thomas, Karen. Straight Pen for Gay Men. The Gay and Lesbian Review. Nov.- Dec. 2004.

Ilkcaracan, Ipek and Gulsah Seral. Sexual Pleasure as a Woman's Human Right: Experiences from a Grassroots Training Program in Turkey. In Ilkcaracan, Pinar (Ed.) Women and Sexuality in Muslim Societies. Istanbul, Turkey: Women for Women's Human Rights and Women Living Under Muslim Laws, 2000, p. 187-196.

Rifaat, Alifa. Distant View of a Minaret. New York: Quartet Books, 1983. p. 1-4.

Pens, Don. Skin Blind, in Prison Masculinities. Philadelphia: Temple University Press, 2001. p.150-152.

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May 10, 4:00pm.

*Final paper due.*