

DePaul University College of Law

Fall 2007
Monday and Wednesday
1:00 – 2:15 p.m.
Room 901

Professor Donald H.J. Hermann
Office: Room 829
Phone: 312-362-8383

SEXUAL ORIENTATION AND THE LAW

Course Description

Legal developments involving sexuality and sexual orientation have been among the most dynamic and dramatic changes in American law in the last twenty-five years. Statutes and judicial opinions have mirrored changes in social attitudes toward gays and lesbians moving them from criminal class to a minority with recognized claims to rights and protection from discrimination. While significant areas of legal dispute continue, particularly regarding military service and the right to same sex marriage, other areas of legal rights and protection seem firmly established. This course will examine developments in sexual orientation law including constitutional, judicial and legislative. Underlying issues of sexual identity and social attitudes will be considered. Regulation of sexuality as well as bans on discrimination will provide a focus along with specific areas of study including same sex marriage, civil union, parenting, employment, education, military service, and transgender issues.

Methodology

This course will involve lecture, dialogue and classroom discussion of assigned reading. A take-home final examination will be based on the course assignments and classroom discussions and lectures.

Required Materials

William Eskridge and Nan Hunter, Sexuality, Gender and the Law (2nd ed.) FOUNDATION PRESS – THOMSON/WEST: New York (2004).

2007 Supplement to Sexuality, Gender and the Law. FOUNDATION PRESS – THOMSON/WEST: New York (2007).

Donald H.J. Hermann, "Legal Incorporation and Cinematic Reflections of Psychological Conceptions of Homosexuality," 70 UMKC LAW REVIEW, 495-544 (2002).

Evaluation

Course grade will be based on a take-home final examination distributed on November 26, 2007 at the end of class and due on December 17, 2007 at 4:00 p.m. Final examinations should be time stamped and placed in the take-home final examination box provided by the College of Law.

Class Schedule and Reading Assignments

Class 1	August 27, 2007	Introduction: Conceptions of Homosexuality (Status v. Conduct; Nature v. Nurture etc.)
Class 2	August 29, 2007	Images and Attitudes Toward Homosexuality Reading: Hermann, 70 UMKC LAW REV. 495-544 (2002) Film: <u>The Celluloid Closet</u> (Sony Pictures, 2007)
NO CLASS	September 3, 2007	LABOR DAY HOLIDAY
Class 3	September 5, 2007	Conclusion of "Images and Attitudes" Film: <u>The Celluloid Closet</u> (Conclusion)
Class 4	September 10, 2007	Sexual Privacy Reading: <u>Casebook</u> , pp. 3-19; 23-43
Class 5	September 12, 2007	Sodomy cases Reading: <u>Casebook</u> , pp. 49-63; 74-91; 99-100 Supplement pp. 1-6
Class6	September 17, 2007	Sexual Discrimination Reading: <u>Casebook</u> , pp. 165-176; 177-204
Class7	September 19, 2007	Transgender and Sexual Orientation Discrimination Reading: <u>Casebook</u> , pp. 204-254 Supplement pp.7-22
Class8	September 24, 2007	Limiting Sexual Orientation Discrimination Reading: <u>Casebook</u> , pp. 258-297 Supplement pp.23-36
Class9	September 26, 2007	Sexual Orientation Discrimination and Sex Discrimination Reading: <u>Casebook</u> , pp. 298-320
Class10	October 1, 2007	First Amendment Based Claims Reading: <u>Casebook</u> , pp. 323-351, 360-370
Class11	October 3, 2007	Right of Association Reading: <u>Casebook</u> , pp. 371-418 Supplement pp.37-45
Class12	October 8, 2007	[Class will end at approximately 3:00] Sexual Orientation Before Stonewall Film: <u>Before Stonewall</u> (First Run Feature, 1985)
Class13	October 10, 2007	Military Exclusion (Race and Gender) Reading: <u>Casebook</u> , pp. 653-706
Class14	October 15, 2007	Military Exclusion – Sexual Orientation Reading: <u>Casebook</u> , pp. 707-756 Supplement pp.47-56
Class15	October 17, 2007	Public Employment Reading: <u>Casebook</u> , pp. 765-801

Class Schedule and Reading Assignments

Class16	October 22, 2007	Statutory Ban on Sex Discrimination Reading: <u>Casebook</u> , pp. 802-864, 600-607
Class17	October 24, 2007	Statutory Ban on Sexual Orientation Discrimination Reading: <u>Casebook</u> , pp. 865-897
Class18	October 29, 2007	Students Reading: <u>Casebook</u> , pp. 899-967
Class 19	October 31, 2007	Teachers Reading: <u>Casebook</u> , pp. 928-980
Class 20	November 5, 2007	[Class will end at approximately 3:00] Sexual Orientation after Stonewall Film: <u>After Stonewall</u> [First Features, 1999]
Class 21	November 7, 2007	Domestic Partnerships – Gay Marriage Reading: <u>Casebook</u> , pp. 1048-1086
Class 22	November 12, 2007	Same Sex Marriage and Limits on Recognition Reading: <u>Casebook</u> , pp. 1086-1110 Supplement pp.57-84
Class 23	November 14, 2007	Surrogacy, Custody, and Visitation Reading: <u>Casebook</u> , pp. 1139-1188 Supplement pp.85-86
Class 24	November 19, 2007	Adoption and DeFacto Parenting Reading: <u>Casebook</u> , pp. 1189-1226 Supplement pp. 87-96
Class 25	November 21, 2007	Transgender – Morals and Medicalization Reading: <u>Casebook</u> , pp. 1419-1460
Class 26	November 26, 2007	Transgender: Challenge to Core Meanings Reading: <u>Casebook</u> , pp. 1461-1504

Final Examination – Distributed November 26, 2007

Due December 17, 2007 (4:00 p.m. C.S.T.)

Completed exams are due by December 17, 2007 by 4:00 p.m. C.S.T. (Exam should be submitted in an envelope which has been time stamped. The time stamp machine is located on the 1st floor at 25 E. Jackson Blvd. Lewis Center (LC) at the end of the hall next to the security guard's station.) Your completed paper should be placed inside of the Take Home Drop-Off Box located in the hallway of the 9th fl. LC which is directly outside the "Office of the Dean" suite doors.