Fraudulent Sex Criminalization in Australia: Disparity, Disarray and the Unresolved Question of Punishing Relationship Lies

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In this presentation, I critically examine the criminalization of obtaining sex through deception in Australia. First, I highlight the surprising stark divergence in legal outcomes across the different states/territories in Australia. Second, I identify the flawed legislative design (i.e., unintentional discrimination and duplicate provisions) in half of the states/territories. Third, I discuss how the enforcement has been selective and questionable (e.g., lying that one is qualified to conduct a mafia initiation ritual involving sex). Finally, I argue that this disparity and disarray stems from the disconnect between i) the desire to preserve prosecutorial flexibility through broadly worded criminal provisions, and ii) the continued unprincipled disquiet about punishing fraudulent sex, especially vis-à-vis romantic relationship.

Jianlin grew up in Singapore and Taiwan. He obtained his LLB from National University of Singapore, and his LLM and JSD from the University of Chicago. He is qualified to practice in Singapore and New York. He joined the Melbourne Law School in 2017 after starting his academic career at the University of Hong Kong in 2011. Bilingual in English and Chinese, Jianlin publishes widely, with a monograph from Cambridge University Press, and in law journals such as Columbia Journal of Asian Law, Law & Social Inquiry,北大法律评论, among many others. His current primary research interests are in the areas of law & religion and criminal law, with a particular focus on legal responses to religious and/or sexual fraud and through a combination of comparative perspectives and economic analysis.