



LAW 580

Human Rights and Moral Dilemmas

S1 External 2014

Dept of Law

Contents

| | |
|--|---|
| <u>General Information</u> | 2 |
| <u>Learning Outcomes</u> | 2 |
| <u>Assessment Tasks</u> | 3 |
| <u>Delivery and Resources</u> | 5 |
| <u>Unit Schedule</u> | 6 |
| <u>Policies and Procedures</u> | 7 |
| <u>Graduate Capabilities</u> | 9 |

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Denise Meyerson

denise.meyerson@mq.edu.au

Contact via denise.meyerson@mq.edu.au

W3A, 535

Monday, 12 - 1 pm

Credit points

3

Prerequisites

6cp in LAW units at 300 level(P)

Corequisites

Co-badged status

Unit description

This unit explores the intersections between law and morality by analysing cases drawn from a variety of jurisdictions – Australia, the US the UK, Canada, Europe and South Africa – which raise topical and controversial human rights dilemmas. For example, cases on pornography and hate speech are explored against the background of philosophical analyses of the value of freedom of speech. Cases involving state funding of church schools and religious symbols in state schools are explored in light of philosophical debates about separation between church and state. Other topics covered include: prostitution and privacy; multiculturalism and gender; anti-terrorism legislation; and socio-economic rights.

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:

Understand the philosophical foundations of the idea of human rights

Understand the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions

Understand the advantages and disadvantages of the different forms of rights-protection

Analyse the moral and political values that underpin a range of human rights
Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
Resolve human rights dilemmas by applying relevant theoretical approaches
Communicate your understanding of the subject and defend your views in clearly written, well reasoned and well structured arguments

Assessment Tasks

| Name | Weighting | Due |
|-------------------------------------|-----------|---------------|
| Class participation | 20% | On-going |
| Assignment 1 | 25% | 7 April, noon |
| Assignment 2 | 55% | 10 June, noon |

Class participation

Due: **On-going**

Weighting: **20%**

Students should have read all the required readings for each week and be prepared to discuss the tutorial questions for that week. Class participation marks will be based on frequency of and quality of contribution to discussion; evidence of preparation for the tutorials; and performance in specific tasks assigned by the tutor. Mere attendance will not be sufficient to gain a passing grade for this component of the unit.

Internal students are required to attend 80% of the tutorials. External students are required to attend both days of the on-campus session.

A failure to meet this requirement will lead to a mark of zero for class participation unless:

the student has a valid reason for non-attendance;

has provided appropriate documentation;

and has **ALSO** submitted work in lieu for the missed tutorials.

On successful completion you will be able to:

- Understand the philosophical foundations of the idea of human rights
- Understand the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Understand the advantages and disadvantages of the different forms of rights-protection
- Analyse the moral and political values that underpin a range of human rights

- Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas by applying relevant theoretical approaches
- Communicate your understanding of the subject and defend your views in clearly written, well reasoned and well structured arguments

Assignment 1

Due: **7 April, noon**

Weighting: **25%**

This task requires students to prepare an annotated bibliography of four sources that are relevant to the research topic they have chosen for their research paper. Students will be required to identify four relevant sources, provide a brief description and some analysis of the content of each source, and evaluate it in terms of its relevance to the research topic.

The word limit will be 1000 words.

The work must be submitted through turnitin.

The assessment instructions will be released on 3 March.

On successful completion you will be able to:

- Understand the philosophical foundations of the idea of human rights
- Understand the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Understand the advantages and disadvantages of the different forms of rights-protection
- Communicate your understanding of the subject and defend your views in clearly written, well reasoned and well structured arguments

Assignment 2

Due: **10 June, noon**

Weighting: **55%**

This task requires students to use relevant theoretical literature to evaluate a decision in a human rights case. They will be asked whether the court has struck the right balance between the moral and political values at stake.

The paper requires independent research.

The word limit is 2500 words.

The work must be submitted through turnitin.

The assessment instructions will be released on 3 March.

On successful completion you will be able to:

- Understand the philosophical foundations of the idea of human rights
- Analyse the moral and political values that underpin a range of human rights
- Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas by applying relevant theoretical approaches
- Communicate your understanding of the subject and defend your views in clearly written, well reasoned and well structured arguments

Delivery and Resources

TECHNOLOGY

This unit will use i-learn and ECHO lectures. Students will be required to use a computer to interact with online research databases and web-based research tools.

CLASSES (INTERNAL STUDENTS)

There will be one lecture per week (2 hours) and one tutorial per week (1 hour). For lecture and tutorial times and classrooms, please consult the MQ Timetables website. Internal students must attend 80% of the tutorials. For the rules governing non-attendance, see above under 'Class participation'.

ON-CAMPUS SESSION (EXTERNAL STUDENTS)

External students must attend both days of the on-campus session. For the dates of the OCS, please consult the MQ Timetables website. Exemption will be granted only in exceptional circumstances and subject to the provision of appropriate documentation. If exemption is granted, work in lieu will need to be submitted. Failure to submit work in lieu will lead to a mark of zero for class participation. Students must sign the attendance roll at the office of the Centre for Open Education on both days. The OCS will cover the readings for the first seven weeks of the unit (ie up to and including 'Privacy and Paternalism').

LEARNING AND TEACHING STRATEGY

This unit is taught by lectures and tutorials. The lectures will provide an introduction to the theoretical readings. The tutorials will mainly be focused on using the theoretical readings to evaluate the reasoning in selected legal cases.

The tutorial questions for each tutorial and a list of the required readings for each week are available on i-learn.

CHANGES SINCE THE LAST OFFERING OF THIS UNIT

The materials have been changed. Some new cases and theoretical readings have been added.

The nature of the first assignment has changed. The topics for the second assignment have changed.

PRESCRIBED MATERIALS

Two volumes of prescribed materials must be bought from the Co-Op Bookshop.

Unit Schedule

| | Date | Lecture | Tutorial | Assessment |
|--------|----------|---|--|---------------------|
| Week 1 | 3 March | Basic Concepts | NO TUTES | None |
| Week 2 | 10 March | Legal mechanisms for protecting rights against legislative infringement | Basic concepts | Class participation |
| Week 3 | 17 March | Free speech I | Legal mechanisms for protecting rights | Class participation |
| Week 4 | 24 March | Free speech II | Free speech I | Class participation |
| Week 5 | 31 March | Equality I | Free speech II | Class participation |
| Week 6 | 7 April | Equality II | Equality I | None; Assignment 1 |
| Week 7 | 28 April | Privacy and paternalism | Equality II | Class participation |
| Week 8 | 5 May | State and religion relations | Privacy and paternalism | Class participation |

| | | | | |
|------------|--------|-------------------------------|-------------------------------|--------------------------------------|
| Week 9 | 12 May | Faith, culture and gender | State and religion relations | Class participation |
| Week 10 | 19 May | Anti-terrorism laws | Faith, culture and gender | Class participation |
| Week 11 | 26 May | Human rights and criminal law | Anti-terrorism laws | Class participation |
| Week 12 | 2 June | Socio-economic rights | Human rights and criminal law | Class participation |
| Week 13 | 9 June | NO LECTURE | Socio-economic rights | Class participation; Assignment 2 |

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.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

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

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

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/

DEADLINES, EXTENSIONS AND SPECIAL CONSIDERATION

There will be no "late penalties". Any student seeking an extension of time to submit an assignment must submit an application for Special Consideration in conformity with the University's policy and procedure.

The policy is available at:

http://www.mq.edu.au/policy/docs/special_consideration/policy.html

The procedure is available at:

http://www.mq.edu.au/policy/docs/special_consideration/procedure.html

Students applying for special consideration must submit an on-line application with the Faculty of Arts. This can be found at:

http://www.arts.mq.edu.au/current_students/undergraduate/admin_central/special_consideration

Extensions of greater than 7 days will not generally be granted.

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and receive a mark of zero.

The procedural and other requirements relating to requests for special consideration will in all aspects be strictly enforced.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.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://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

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

- Understand the philosophical foundations of the idea of human rights
- Understand the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Understand the advantages and disadvantages of the different forms of rights-protection

Assessment tasks

- Class participation
- Assignment 1
- Assignment 2

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

- Understand the advantages and disadvantages of the different forms of rights-protection
- Analyse the moral and political values that underpin a range of human rights
- Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas by applying relevant theoretical approaches

Assessment tasks

- Class participation
- Assignment 1
- Assignment 2

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 outcome

- Resolve human rights dilemmas by applying relevant theoretical approaches

Assessment task

- Assignment 2

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:

Learning outcomes

- Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas by applying relevant theoretical approaches

Assessment task

- Assignment 2

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 and defend your views in clearly written, well reasoned and well structured arguments

Assessment tasks

- Class participation
- Assignment 1
- Assignment 2

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

- Analyse the moral and political values that underpin a range of human rights
- Critically assess the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas by applying relevant theoretical approaches

Assessment tasks

- Class participation
- Assignment 2