



# LAW 894

## Human Rights and Moral Dilemmas

S1 External 2015

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Denise Meyerson

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W3A, 535

Monday, 12 - 1 pm

Credit points

4

Prerequisites

Admission to LLM or MA in Media Law and Culture or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

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:

Comprehend the philosophical foundations of the idea of human rights

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

Identify 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 sophisticated application of relevant theoretical approaches.

Communicate your understanding of the subject and defend your views both orally and in clearly written, well reasoned and well structured arguments.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Class participation</u></a>	20%	On-going
<a href="#"><u>Assignment 1</u></a>	25%	2 April, noon
<a href="#"><u>Assignment 2</u></a>	55%	1 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. CP 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 attract any marks.

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-campus session.

On successful completion you will be able to:

- Comprehend the philosophical foundations of the idea of human rights
- Comprehend the different ways in which human rights are protected against legislative infringement in variety of jurisdictions
- Identify 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 sophisticated application of relevant theoretical approaches.
- Communicate your understanding of the subject and defend your views both orally and in clearly written, well reasoned and well structured arguments.

## Assignment 1

Due: **2 April, noon**

Weighting: **25%**

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

The word limit will be 2000 words.

The work must be submitted via turnitin.

On successful completion you will be able to:

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

## Assignment 2

Due: **1 June, noon**

Weighting: **55%**

This task requires students to use relevant theoretical literature to resolve a human rights issue.

The paper requires independent research.

The word limit is 5000 words.

The work must be submitted through turnitin.

On successful completion you will be able to:

- 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 sophisticated application of relevant theoretical approaches.
- Communicate your understanding of the subject and defend your views both orally and 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 focussed 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.

### PRESCRIBED MATERIALS

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

## Unit Schedule

Lectures begin in Week 1. Tutorials begin in Week 2.

TUTORIAL	DATE	LECTURE	ASSESSMENT
Week 1	23 Feb	Basic Concepts	None
Week 2	2 March	Legal mechanisms for protecting rights	Basic concepts Class participation
Week 3	9 March	Free speech I	Legal mechanisms for protecting rights Class participation
Week 4	16 March	Free speech II	Free speech I Class participation
Week 5	23 March	Equality I	Free speech II Class participation
Week 6	30 March	Equality II	Equality I Class participation Assignment 1
Week 7	20 April	Privacy and paternalism	Equality II Class participation
Week 8	27 April	State and religion relations	Privacy and paternalism Class participation

Week 9	4 May	Faith, culture and gender	State and religion relations	Class participation
Week 10	11 May	Anti-terrorism law	Faith, culture and gender	Class participation
Week 11	18 May	Human rights and criminal law	Anti-terrorism laws	Class participation
Week 12	25 May	Socio-economic rights	Human rights and criminal law	Class participation
Week 13	1 June	None	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](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](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](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/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](#).

### 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](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](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](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](http://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](http://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

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

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

#### Assessment task

- Class participation

### PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

#### Learning outcomes

- Identify 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 sophisticated application of relevant theoretical approaches.

## **Assessment tasks**

- Class participation
- Assignment 1
- Assignment 2

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

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 sophisticated application of relevant theoretical approaches.

## **Assessment tasks**

- Class participation
- Assignment 2

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- Comprehend the philosophical foundations of the idea of human rights
- Comprehend the different ways in which human rights are protected against legislative infringement in variety of jurisdictions
- Identify 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 sophisticated application of relevant theoretical approaches.
- Communicate your understanding of the subject and defend your views both orally and in clearly written, well reasoned and well structured arguments.

### **Assessment tasks**

- Class participation
- Assignment 1
- Assignment 2

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

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 sophisticated application of relevant theoretical approaches.

### **Assessment tasks**

- Class participation
- Assignment 2