



# LAWS580

## Human Rights and Moral Dilemmas

S1 Day 2016

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

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W3A-341

1-2pm Monday

Credit points

3

Prerequisites

24cp in LAW or LAWS units

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 both orally and in clearly written, well reasoned and well structured arguments

## General Assessment Information

*In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.*

## Assessment Tasks

Name	Weighting	Due
<a href="#">Class Participation</a>	20%	Ongoing
<a href="#">Assignment 1</a>	25%	1 April, noon
<a href="#">Assignment 2</a>	55%	8 June, noon

### Class Participation

Due: **Ongoing**

Weighting: **20%**

It is expected that students will have read all the required readings for each week and will come to classes prepared to discuss the tutorial questions set for that week. CP marks will be based on the quality of contributions to discussion and, where relevant, the frequency of contributions; evidence of preparation for the tutorials; and performance in specific tasks set by the tutor (for instance, group work). Attendance alone 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 these requirements will lead to a mark of zero for CP unless; a) the student provides a valid reason for non-attendance, b) provides appropriate documentation **AND** c) submits work in lieu of the missed tutorial or on campus session.

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 both orally and in clearly written, well reasoned and well structured arguments

## Assignment 1

Due: **1 April, noon**

Weighting: **25%**

This task requires students to prepare an annotated bibliography of four (4) sources that are relevant to the research topic they have chosen for their final paper. Students will be required to identify four 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 is 1000 words.

The work must be submitted via Turnitin.

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 both orally and in clearly written, well reasoned and well structured arguments

## Assignment 2

Due: **8 June, noon**

Weighting: **55%**

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

The paper requires the student to conduct independent research.

The word limit is 2500 words (excluding footnotes).

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 applying 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

The unit will use iLearn 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 duration) and one tutorial per week (1 hour duration). 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 the above section concerning '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 only be granted in exceptional circumstances and subject to the provision of appropriate documentation and work in lieu. Failure to submit work in lieu will lead to a mark of zero for class participation.

### LEARNING AND TEACHING STRATEGY

The 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 iLearn.

### READINGS

Readings are available via the Library website and can easily be accessed via multi search by typing in the Unit course code.

Where students are required to only read extracts from the readings, the relevant pages or sections are indicated on iLearn.

## **Unit Schedule**

### **Week 1 (Week commencing 29 February)**

Lecture - 'Basic Concepts'

*No tutorials in Week 1.*

**Week 2 (Week commencing 7 March)**

Lecture - 'Legal mechanisms for protecting rights'

Tutorial - 'Basic Concepts'

**Week 3 (Week commencing 14 March)**

Lecture - 'Free Speech I'

Tutorial - 'Legal mechanisms for protecting rights'

**Week 4 (Week commencing 21 March)**

Lecture - 'Free Speech II'

Tutorial - 'Free Speech I'

**Week 5 (Week commencing 28 March)**

Lecture - 'Equality I'

Tutorial - 'Free Speech II'

*Assignment 1 due 1 April*

**Week 6 (Week commencing 4 April)**

Lecture - 'Equality II'

Tutorial - 'Equality I'

**Week 7 (Week commencing 25 April)**

Lecture - 'Privacy and Paternalism'

Tutorial - 'Equality II'

**Week 8 (Week commencing 2 May)**

Lecture - 'State and religion relations'

Tutorial - 'Privacy and Paternalism'

**Week 9 (Week commencing 9 May)**

Lecture - 'Faith, culture and gender'

Tutorial - 'State and religion relations'

**Week 10 (Week commencing 16 May)**

Lecture - 'Anti-terrorism law'

Tutorial - 'Faith, culture and gender'

**Week 11 (Week commencing 23 May)**

Lecture - 'Human Rights and Criminal Law'

Tutorial - 'Anti-terrorism law'

**Week 12 (Week commencing 30 May)**

Lecture - 'Socio-economic rights'

Tutorial - 'Human rights and criminal law'

**Week 13 (Week commencing 6 June)**

Lecture - None

Tutorial - 'Socio-economic rights'

*Assignment 2 due 8 June*

## **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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.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.m](#)

[mq.edu.au](http://mq.edu.au).

## 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://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources 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
- Resolve human rights dilemmas by applying relevant theoretical approaches

## **Assessment tasks**

- Class Participation
- Assignment 1

## **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 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

## **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 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

## **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 both orally and 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 outcome**

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

## Assessment task

- Class Participation

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## Learning outcome

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

## Assessment task

- Class Participation