



# LAW 894

## Human Rights and Moral Dilemmas

S1 External 2016

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

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W3A-341

1-2pm Monday

Credit points

4

Prerequisites

Admission to LLM or MA in Media Law and Culture or 42cp in LAW or LAWS 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:

Develop an advanced understanding of the philosophical foundations of the idea of human rights

Develop an advanced knowledge of the the different ways in which human rights are

protected against legislative infringement in a variety of jurisdictions

Identify and evaluate the advantages and disadvantages of the different forms of rights protection

Critically analyse the moral and political values that underpin a range of human rights

Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases

Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches

Communicate an advanced 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](mailto: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:

- Develop an advanced understanding of the philosophical foundations of the idea of human rights
- Develop an advanced knowledge of the the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Identify and evaluate the advantages and disadvantages of the different forms of rights protection
- Critically analyse the moral and political values that underpin a range of human rights
- Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches
- Communicate an advanced 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 eight (8) sources that are relevant to the research topic they have chosen for their final 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 is 2000 words.

The work must be submitted via Turnitin.

On successful completion you will be able to:

- Develop an advanced understanding of the philosophical foundations of the idea of human rights
- Develop an advanced knowledge of the the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Identify and evaluate the advantages and disadvantages of the different forms of rights protection

- Communicate an advanced 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 5000 words (excluding footnotes).

The work must be submitted via Turnitin.

On successful completion you will be able to:

- Critically analyse the moral and political values that underpin a range of human rights
- Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches
- Communicate an advanced 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.mq.edu.au](http://ask.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

### 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

- Develop an advanced understanding of the philosophical foundations of the idea of human rights
- Develop an advanced knowledge of the the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Identify and evaluate the advantages and disadvantages of the different forms of rights protection
- Critically analyse the moral and political values that underpin a range of human rights
- Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches

#### 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

- Develop an advanced knowledge of the the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions
- Identify and evaluate the advantages and disadvantages of the different forms of rights

protection

- Critically analyse the moral and political values that underpin a range of human rights
- Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases
- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches
- Communicate an advanced 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 - 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**

- Identify and evaluate the advantages and disadvantages of the different forms of rights protection
- Resolve human rights dilemmas through a sophisticated application 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 outcome

- Communicate an advanced 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

- Critically analyse the moral and political values that underpin a range of human rights
- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches

## Assessment tasks

- Class Participation
- Assignment 2

## Changes since First Published

Date	Description
21/01/2016	Updated learning outcomes 21/1/2016