



LAWS580

Human Rights and Moral Dilemmas

S1 Day 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Amy Barrow

amy.barrow@mq.edu.au

6 First Walk 522

Wednesdays 2-3pm

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 structured arguments.

General Assessment Information

Detailed marking rubrics will be made available on iLearn. All Fail papers will be double marked.

Please note that for all assessments submitted via Turnitin unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	20%	No	Ongoing
<u>Annotated bibliography</u>	25%	No	Friday 29 March (4pm)
<u>Research Paper</u>	55%	No	Friday 7 June (4pm)

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. Class participation 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.

Students are required to attend 80% of the tutorials.

A failure to meet these requirements will lead to a mark of zero for class participation unless a) the student applies for Special Consideration and gives 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 structured arguments.

Annotated bibliography

Due: **Friday 29 March (4pm)**

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.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - and two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original deadline.

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 structured arguments.

Research Paper

Due: **Friday 7 June (4pm)**

Weighting: **55%**

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

The research paper requires the student to conduct independent research.

The word limit is 2500 words (excluding footnotes).

The work must be submitted via Turnitin.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

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 both orally and in clearly written, well reasoned and 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 Each lecture is delivered online in two parts (A and B) (approximately 100 minutes per week), except where otherwise indicated. Students are also expected to attend one tutorial per week on campus. For tutorial times, please consult the MQ timetables website. Students must attend 80% of tutorials. For the rules governing non-attendance see the above section concerning 'Class Participation.'

Learning and Teaching Strategy The unit is taught by online lectures, which 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 will be available on iLearn.

Readings A list of required readings is available through the link to Leganto (Unit Readings) via iLearn. Where students are required to only read extracts from the readings, the relevant pages or sections are indicated in Leganto.

Unit Schedule

Week	Week Starts	Lecture	Tutorial	Readings and Assignments
1	25 February	Basic Concepts	No Tutorial	Please see the link to Leganto (Unit Readings) on iLearn
2	4 March	Rights Protection	Basic Concepts	

3	11 March	Free Speech Theory	Rights Protection	
4	18 March	Free Speech Issues	Free Speech Theory	
5	25 March	Non-Discrimination	Free Speech Issues	Annotated Bibliography due Friday 29 March (4pm)
6	1 April	Affirmative Action	Non-Discrimination	
7	8 April	Privacy and Paternalism	Affirmative Action	
Mid-semester break				
8	29 April	State and religion relations	Privacy and Paternalism	
9	6 May	Faith, culture and gender	State and religion relations	
10	13 May	Anti-terrorism Law	Faith, culture and gender	
11	20 May	Human Rights and Criminal Law	Anti-terrorism Law	
12	27 May	Socio-economic Rights	Human Rights and Criminal Law	
13	3 June	No Lecture	Socio-economic Rights	Research Paper due Friday 7 June (4pm)

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@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) 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

If you are a Global MBA student contact globalmba.support@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/.

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
- Annotated bibliography
- Research Paper

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 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.

Assessment tasks

- Class Participation
- Annotated bibliography
- Research Paper

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.
- Resolve human rights dilemmas by applying relevant theoretical approaches.

Assessment tasks

- Class Participation
- Annotated bibliography
- Research Paper

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 structured arguments.

Assessment tasks

- Class Participation
- Annotated bibliography

- Research Paper

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

- 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 structured arguments.

Assessment tasks

- Class Participation
- Annotated bibliography

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 structured arguments.

Assessment tasks

- Annotated bibliography
- Research Paper