



LAW 894

Human Rights and Moral Dilemmas

S1 Block 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Amy Barrow

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Contact via via email

6 First Walk 522

Wednesdays 2-3pm

Credit points

4

Prerequisites

Admission to LLM 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

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

Please note that 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	On Campus Session 26-27 April
<u>Annotated Bibliography</u>	25%	No	Friday 29 March (4pm)
<u>Research Paper</u>	55%	No	Friday 7 June (4pm)

Class Participation

Due: **On Campus Session 26-27 April**

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. 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.

All 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 participation unless; a) the student applies for special consideration and provides a valid reason for non-

attendance, b) provides appropriate documentation AND c) submits work in lieu of the on campus session.

On successful completion you will be able to:

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- 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.

Annotated Bibliography

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

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.

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:

- 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.

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- Resolve human rights dilemmas through a sophisticated application relevant theoretical approaches.
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Research Paper

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

Weighting: **55%**

This task requires students to use a relevant theoretical approach to explore 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.

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 deadline.

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.
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- 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.

Lectures

Each lecture is delivered online in two parts (A and B) (approximately 100 minutes per week), except where otherwise indicated.

On Campus Session (All students)

All students (Internal/External) must attend both dates of the On Campus Session (OCS). **OCS is scheduled on Friday 26 and Saturday 27 April 2019.** 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 participation.

Learning and Teaching Strategy

The unit is taught by online lectures and an intensive On Campus Session (OCS). The lectures will provide an introduction to the theoretical readings. The OCS will mainly be focused on using the theoretical readings to evaluate the reasoning in selected cases.

Questions for each topic and a list of the required readings for each week are available on iLearn. These questions will be explored in the OCS but students are advised to prepare in advance of the OCS and to do the readings and work on the tutorial questions throughout the semester.

Readings

Readings are available via Leganto, which can be accessed through the iLearn site. Where students are required to only read extracts from the readings, the relevant pages are indicated in Leganto.

Unit Schedule

Week	Week Starts	Lecture	Readings, Assignments, On Campus Session
1	25 February	Basic Concepts	Please see Leganto link to unit readings on iLearn site for LAW894
2	4 March	Rights Protection	
3	11 March	Free Speech Theory	

4	18 March	Free Speech Issues	
5	25 March	Non-Discrimination	Annotated bibliography due Friday 29 March (4pm) via Turnitin
6	1 April	Affirmative Action	
7	8 April	Privacy and Paternalism	
Mid-semester break			On Campus Session Friday 26 and Saturday 27 April 2019 (9am-4pm)
8	29 April	State and religion relations	
9	6 May	Faith, culture and gender	
10	13 May	Anti-terrorism Law	
11	20 May	Human Rights and Criminal Law	
12	27 May	Socio-economic rights	
13	3 June	No lecture	Research paper due Friday 7 June (4pm) via Turnitin

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](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p>

[olicy-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

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.
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- 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 tasks

- Class Participation
- Annotated Bibliography
- Research Paper

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 understanding of the philosophical foundations of the idea of human rights.

- 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
- Annotated Bibliography
- Research Paper

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
- Research Paper

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
- Annotated Bibliography
- Research Paper

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
- Research Paper