

## LAWS70454 Human Rights: From Morality to Law

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>Human rights are a dominant but highly contested feature of ethical, political and legal thinking in the era ushered in by the Universal Declaration of Human Rights of 1948. This subject explores the many pressing questions raised by these rights from the point of view of contemporary moral, political and legal philosophy.</p> <ul style="list-style-type: none"> <li># Are human rights triggers for intervention or benchmarks of state legitimacy?</li> <li># Are they based on dignity, interests, or some other value?</li> <li># How do we determine who has human rights and who bears the associated duties?</li> <li># Can human rights conflict with other values and how should such conflicts be resolved?</li> <li># Are human rights compatible with cultural pluralism?</li> <li># How should human rights be legalised?</li> <li># Is international human rights law legitimate in light of the claims of state sovereignty?</li> <li># How is the content of international human rights law to be determined?</li> <li># How should we reform or implement this law?</li> </ul>

	<p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The nature of human rights: moral, legal, political?</li> <li># The grounds of human rights: interests, dignity, God</li> <li># The subjects of human rights and the bearers of associated duties</li> <li># Conflicts involving human rights and their relations to the common good</li> <li># Human rights and cultural pluralism</li> <li># The legalisation of human rights</li> <li># The legitimacy of international human rights law</li> <li># Sources of international human rights law</li> <li># Reforming international human rights law</li> <li># Jus cogens, intervention and punishment.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of theories relating to the underlying conceptual and normative principles of human rights morality and law</li> <li># Be able to critically examine, analyse, interpret and assess those principles</li> <li># Be an engaged participant in debate regarding contemporary issues in this field, such as whether human rights are essentially moral or political in nature, the values that ground them, how they are related to wider values, and how they are best embodied in and implemented by public international law</li> <li># Have a sophisticated appreciation of the factors that bear on the adjudication among different views in this field</li> <li># Have a detailed understanding of some the leading contemporary theories relating to the morality and international law of human rights</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to the nature and justification of human rights, both as moral and international legal norms</li> <li># Have the communication skills independently to examine, research and analyse existing and emerging issues relating to the theory of human rights morality and law to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment as a thinker and learner in the field of human rights theory.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (18-21 September) or 10,000 word research paper (100%) (9 November) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70454/2015">www.law.unimelb.edu.au/subject/LAWS70454/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	<p>Graduate Diploma in Government Law  Graduate Diploma in Human Rights Law  Graduate Diploma in International Law  Graduate Diploma in Legal Studies  Master of Human Rights Law  Master of Law and Development  Master of Laws  Master of Public and International Law</p>