



## UNSW Course Outline

# JURD7417 The Politics of Human Rights: Theory and Critique - 2024

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## General Course Information

**Course Code :** JURD7417

**Year :** 2024

**Term :** Term 3

**Teaching Period :** T3

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Universal human rights have become one of the most powerful legal and political instruments of our time but many of their founding presuppositions still remain unquestioned. This course is all about posing questions of human rights. In the process we will come to a better understanding

of the limits and the possibilities of human rights for global politics and social justice. In this course we will thus: explore the 'politics of human rights?' by examining the historical origins and philosophical bases of human rights; discuss several key critical analyses of human rights; and, finally, look at some case studies of human rights in operation (incl. international development, terrorism and security, humanitarian intervention).

## Main Topics

- Introduction: Human Rights Today
- A Brief History of HR: Natural Rights, Revolutionary Declarations, Post-WWII Global Instruments
- Normative Philosophical Justifications for HR
- Classical Critiques: Bentham, Marx and Burke
- The Refugee and the Nation-State: Arendt and Agamben
- Human Rights and Biopolitics: Foucault and Agamben
- Feminist Critiques of HR
- Critical Race and Post-colonial Critiques of HR
- Theorizing Contemporary Political Deployments of HR
- Futures of Human Rights?

## Course Aims

A student who has successfully completed this course should be able to:

- Understand the basic history, philosophy and justification of human rights;
- Understand and be able to critically engage with selected critical approaches towards human rights;
- Demonstrate the ability to apply theoretical knowledge of human rights to particular contemporary political situations (eg, development, counter-terrorism); and
- Critically assess the legacy, operation and possibilities of human rights discourse for global politics and social justice.

## Relationship to Other Courses

This elective course builds upon the theoretical knowledge gained in the 'prescribed electives' courses (Law and Social Theory, Legal Theory, Theories of Law and Justice and Legal Experimentalism). We revisit concepts, texts and thinkers encountered in those courses but we do so in greater depth and our attention is on the specific question of human rights. In terms of skills, students will have the opportunity to develop a longer form essay response to a question of their own devising, which also extends on the essay writing skills taught and assessed (among other courses) in the 'prescribed electives' courses.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : demonstrate an understanding of the basic history, philosophy and justification of human rights (PLOs 1, 3)
CLO2 : demonstrate an understanding and be able to critically engage with selected critical approaches towards human rights (PLO 5);
CLO3 : demonstrate professional communication skills in applying theoretical knowledge of human rights to particular contemporary political situations (eg/ development, counter-terrorism) in an extended research essay (PLOs 1,6, 9);
CLO4 : Critically assess the legacy, operation and possibilities of human rights discourse for global politics and social justice (PLO 8)

Course Learning Outcomes	Assessment Item
CLO1 : demonstrate an understanding of the basic history, philosophy and justification of human rights (PLOs 1, 3)	• Class Participation
CLO2 : demonstrate an understanding and be able to critically engage with selected critical approaches towards human rights (PLO 5);	• Reflective Notes
CLO3 : demonstrate professional communication skills in applying theoretical knowledge of human rights to particular contemporary political situations (eg/ development, counter-terrorism) in an extended research essay (PLOs 1,6, 9);	• Research Essay
CLO4 : Critically assess the legacy, operation and possibilities of human rights discourse for global politics and social justice (PLO 8)	• Research Essay

## Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

Classes are held face to face in seminars for which students are expected to have done the reading beforehand.

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: 09/09/2024 09:00 AM Due Date: 14/11/2024 11:00 AM
Reflective Notes Assessment Format: Individual	20%	Start Date: Students select which class to submit the Reflective Note for Due Date: Students select which class to submit the Reflective Note for
Research Essay Assessment Format: Individual	60%	Due Date: 14/11/2024 05:00 PM

## Assessment Details

### Class Participation

#### Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

#### Course Learning Outcomes

- CLO1 : demonstrate an understanding of the basic history, philosophy and justification of human rights (PLOs 1, 3)

#### Detailed Assessment Description

Class participation is about demonstrating your engagement with the material and your readiness to come to class and to discuss and the debage the texts with other students and your class teacher. Class participation is not about demonstrating mastery of the material but is rather about showing you have read the materials before coming to class, you have thought about them, and you are prepared to engage with your peers. Students can do this in a variety of ways, from asking questions about the material to raising problems or questions. Assessment 1, the Written Reflective Note, is in part intended to help students prepare for class participation (Assessment 2).

#### Assessment Length

N/A

#### Assignment submission Turnitin type

This is not a Turnitin assignment

## Generative AI Permission Level

### No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

This assessment is an entirely oral form of assessment in class

### Reflective Notes

#### Assessment Overview

This assessment requires you to complete written reflective notes.

#### Course Learning Outcomes

- CLO2 : demonstrate an understanding and be able to critically engage with selected critical approaches towards human rights (PLO 5);

#### Detailed Assessment Description

This assessment is a series of short written reflective notes on aspects of the set readings for a given class. Students need to submit the written reflective note by 5pm the day before the class in which the readings will be discussed. The submission mode is via email to b.golder@unsw.edu.au. Students need to compose the written reflection in a Word document of 500 words max. (but not shorter than 400 words) that is sent as an attachment to the email. The subject line of the email needs to be in the form: 'Reflective Note 1/5, Class 2, Student Name'. Students may reflect upon and critically analyse any aspect of the set reading. They may choose an aspect of the readings they found particularly interesting or challenging or they may choose an aspect of the readings they thought related to something they had learnt in a different course or in contemporary politics, or indeed in their own lives. The possible angles are almost infinite but the scope is limited to an engagement with the ideas and text of one of the particular readings set for class. Students submit 5 written notes throughout the Term. Students can choose which classes they wish to write a reflective note for. Each note is worth 4 marks. Notes are marked on a 'Satisfactory'/'Unsatisfactory' basis. If a note is Satisfactory the student receives 4 marks. If a note is Unsatisfactory a student receives 0 marks. Further discussion of what a Reflective Note needs to achieve will be provided in the first class. If a student submits a Reflective Note that is Unsatisfactory the class teacher will give feedback and explain why. The student can resubmit a Reflective Note for a different class. Students are able to submit as many

Reflective Notes as they wish but can only receive 20 marks in total for this assessment.

#### **Assessment Length**

Maximum 500 words, minimum 400 words per Reflective Note

#### **Assignment submission Turnitin type**

This is not a Turnitin assignment

#### **Generative AI Permission Level**

##### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Students are permitted to use the standard grammar and spell-checking functions in Word in composing their Written Reflective Notes

## **Research Essay**

#### **Assessment Overview**

This assessment requires you to write a research essay.

#### **Course Learning Outcomes**

- CLO3 : demonstrate professional communication skills in applying theoretical knowledge of human rights to particular contemporary political situations (eg/ development, counter-terrorism) in an extended research essay (PLOs 1,6, 9);
- CLO4 : Critically assess the legacy, operation and possibilities of human rights discourse for global politics and social justice (PLO 8)

#### **Detailed Assessment Description**

The research essay is 5000 words long (inclusive of discursive footnotes but exclusive of referencing and bibliography). It is due on the last day of class. Further information and resources will be provided to students in the first few classes.

### Assessment Length

5000 words

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

### Generative AI Permission Level

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Students are permitted to use the grammar and spell check functions of the software they use to prepare their essay.

## **General Assessment Information**

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### Grading Basis

Standard

## **Course Schedule**

## **Attendance Requirements**

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public

holiday, alternative arrangements will be made by the course convenor to make up the missed class.

# Course Resources

## Prescribed Resources

Prescribed resources are provided for students in the relevant folder on Moodle

## Recommended Resources

Recommended resources are provided to students on an as-needs basis and are made available via Moodle

## Course Evaluation and Development

This course uses the standard myExperience survey to enhance and improve the course offering. The Politics of Human Rights has not been offered for several years and so this most recent iteration is not informed by a recent myExperience survey. Students are encouraged to offer feedback on the readings and seminar topics as we go and the class teacher is very much open to catering to student interest and demand in the later week seminar topics.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Ben Golder					Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.

- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your

use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

### Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## **Feedback**

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## **Faculty-specific Information**

### **Additional support for students**

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### **Course improvement**

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this

course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.