

Liberties and the Law

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myhomeschool

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Introduction for Parents

Welcome to this Civics and Citizenship unit of study for Year 8. This study builds on the Year 7 study but is not necessarily dependent on your student having completed that study. The following statement from the curriculum states the goals or expectations on completion of this topic and the inquiry questions to be considered.

“The Year 8 curriculum provides a study of the responsibilities and freedoms of citizens and how Australians can actively participate in their democracy. Students consider how laws are made and the types of laws used in Australia. Students also examine what it means to be Australian by identifying the reasons for and influences that shape national identity.”

- What are the freedoms and responsibilities of citizens in Australia’s democracy?
- How are laws made and applied in Australia?
- What different perspectives are there about national identity?

These descriptions and language may sound very similar to Year 7 Civics and Citizenship but they are a step up and require a deeper understanding, it will be different!

This study really is a case of that well known saying by Desmond Tutu of eating the elephant one bite at a time, however to prevent the elephant from lingering around and becoming somewhat unpleasant, I have created a study that should address these questions in a practical manner. It will aid understanding of everyday matters that are commented about in the media with which a certain amount of background knowledge is assumed or unexplored and address the curriculum expectations.

A variety of resources will be provided from websites including videos to help gain understanding. It will be important for you to discuss some of the issues with your learner as they become more complex than the introductory information about democracy. Those issues pertaining to the law, especially customary law for Aboriginal and Torres Strait Islander communities in Lesson Six, and rights and freedoms will require thoughtful discussion. There may be matters here with which you as a parent are unfamiliar but discussion with your learner and exploring thoughts and ideas will help both of you come to a greater understanding.

You may want to review the videos relating to Lesson Six before your student watches or watch with them. The first video for this lesson contains some content taken from the second video for this lesson.

If you have little familiarity with customary law you may find the content quite shocking, it is culturally quite different to law based in a Judaeo-Christian ethic. Peter Sutton in his book *The Politics of Suffering* (2009) suggests, "...Aboriginal conceptions of dispute resolution focus on the regaining of equilibrium between people whose relatives have fallen into conflict because of someone's act or acts. What counts is not so much that an abstract idea of justice is served, but that the parties severally end up 'satisfied'... Remorse scarcely enters the picture, nor does conscience, nor does a feeling of guilt."

The material presented for this study leaves room for critical thinking, to ask questions about those who are speaking, their backgrounds, who the audience could be and if they like all of us have bias or prejudice. I hope that I have been able to negotiate the fine line between political correctness and cultural sensitivity to give your learners information that is about the "why" not "what", of topics we hear of in the news all the time and don't really understand whether we agree or disagree.

Unfortunately one of the videos is not the best quality however I have retained its use because of the content.

The supplementary video for Lesson Five shows violence that you might prefer other younger children not to see.

There are eight lessons that discuss the concepts regarding the inquiry questions.

I hope the information provided goes beyond superficial concepts and provides a feast of ideas and interest.

Additional Reading

A Note from Jo Lloyd: The themes studied in *Liberties and the Law* will complement the content covered in the optional extension Plutarch study. Families choosing to include Plutarch as an optional read-aloud and study will find that specifically the themes of rights, freedoms, obligations, national identity and perhaps even dual citizenship (Plutarch notes that Cicero lived in both Italy and Greece) are likely to be topics of conversation within their Plutarch readings as well.

Introduction for Students

Welcome to this study on Civics and Citizenship for Year 8. This study will build on your understanding of democracy in Australia from the Year 7 study. If you have not done that study don't feel that you will be overwhelmed by the information as it will be broken down into portions that hopefully won't be daunting and will increase your understanding of democracy at work in Australia.

Some of the concepts are complex and many citizens of Australia would not have an understanding of these ideas. Possibly your parents may have limited understanding unless they have a legal background, their work involves regularly consulting government laws or acts or they have an abiding interest in politics. The media has a talent for throwing around words and we quite gullibly think we have an understanding of what they are speaking about.

I hope in this study we can pull out the weeds and find a deeper understanding about concepts relating to rights, the law and Australian identity. As in the previous study you will need a notebook. There will be questions about what you think you know and your ideas about particular topics, videos, suggestions to discuss with your parents or others and then further writing about how your understanding is changed. There may be some additional information to give you more background knowledge that you can choose to view if you desire.

Some people love finding accurate definitions, understanding the nitty gritty details and being familiar enough with information that they can argue their point with confidence, for others being familiar enough with the concepts to enable an intelligent conversation is adequate. Whichever of these people you are I hope this information helps you to understand more than what you may have known before.

I hope you enjoy this study.

Margaret Taylor

Lesson One: Rights

It is commonly agreed that in a democracy we experience many more freedoms and rights balanced with obligations than other forms of government. Thinking about Communist nations and dictatorships we are very fortunate to be able to choose where we live, what job we will undertake, to write a letter of protest or organise one without the risk of being jailed, and even how many children we may choose to have! We vote and pay our taxes. Alternatively, some people would say we live in a “Nanny State”, in which our lives are over regulated; there are laws for everything that keep us safe as long as we obey these.

However before we consider that thought, let’s work out what these concepts; **rights, obligations and freedoms** mean. They sound as if they have much the same meaning, except for the obligations!

Rights — what are they?

English philosopher John Locke was one of the first to suggest that all people were born with ‘natural rights’. Locke described three fundamental rights: the right to life, the right to liberty (freedom) and the right to property (to have one’s belongings safe from theft or seizure).

The Universal Declaration of Human Rights Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

One writer has suggested that we have rights because as people this is part of our humanity, they are a gift to every human being. The state is a guardian of these rights not a creator.

On the Australian Human Rights Commission website it says that when we think of human rights we tend to associate that word with violation or loss of rights. What human rights mean, their origins, and the essence of the concept is not paramount in our thoughts, when we hear those words they usually come paired with a conflict.

The quote below by Mick Dodson on the same website, was about social justice for Aboriginals and Torres Strait Islander's but it is suggested that this could be about human rights.

'Social Justice is what faces you in the morning. It is awakening in a house with an adequate water supply, cooking facilities and sanitation. It is the ability to nourish your

children and send them to school where their education not only equips them for employment but reinforces their knowledge and appreciation of their cultural inheritance. It is the prospect of genuine employment and good health: a life of choices and opportunity. A life free from discrimination.'

Mick Dodson, Justice Commissioner (1993 - 1998)

We haven't yet considered in any depth what types of rights humans may have as it is important to consider why we might have rights in the first instance as a foundation for our understanding. In today's society we seem to assume we have rights but don't consider how we arrived at the place of having them.

- How do your thoughts match up with these expressions of what is defined as rights?

Further Study

[Liberties and the Law Moodle Links](#)

- Website Article: *The Universal Declaration of Human Rights*. Are you familiar with Universal Declaration of Human Rights? View this in the links so you can be familiar with the language and content.
- Video: *Universal Declaration of Human Rights* – This video gives a short history of the Universal Declaration of Human Rights established in response to World War Two and written chiefly by Eleanor Roosevelt. One of the speakers is H V (Doc) Evatt an Australian involved with the United Nations. Evatt was president of the General Assembly of the United Nations in 1948-49. (6 mins)
- Video: *Magna Carta* – Having considered the origins of human rights in more recent years let's now look further back to the beginnings of rights in the Magna Carta. The idea of human rights has changed over time through various bills, declarations and treaties. Keep in mind what rights and freedoms we now have that had their foundation in the Magna Carta. (6 mins)
- Opinion Writing: Write down what you think **rights, obligations and freedoms** mean, what do you think are their origins, perhaps an historical event, or an example of a right, freedom or obligation. Have we always had them? How are they associated with democracy? To gather your thoughts you can create a brainstorming mind map rather than writing a narrative paragraph if you prefer.

Supplemental Activities

- *The Australian Parliament owns and displays a copy of the Magna Carta from 1297. It is the only copy in the Southern Hemisphere and is one of four surviving copies. It was obtained by Sir Robert Menzies and is currently undergoing conservation work.*