

Rights Toolkit

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Q1: WHAT ARE CONCEPTS?

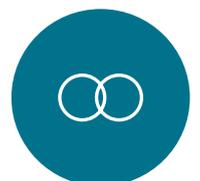
Concepts are the mental or cognitive tools we use to classify and order our experiences in and of the world. Concepts are always abstractions constructed by thinking beings – like us – but some concepts are more abstract than others. For example, we can imagine a child forming the concept dog from numerous instances of four-legged creatures that she encounters in her daily experience, together with appropriate reinforcement from someone already familiar with this concept. This is, in part, a process of trial and error – excluding other four-legged creatures that miaow instead of bark, for example. Still, this concept is an abstraction because I can pat my dog but I cannot pat – i.e. interact physically with – my concept or idea of a dog.

Other concepts – including those, like *good*, *bad*, *right(s)*, *wrong*, *responsibility*, *freedom*, *justice*, that are central in the field of Ethics – are more abstract still, in that it is more difficult to describe or imagine precisely what kinds of items in the world fall under them. There are two different points to notice here. First, even if there were complete agreement as to what such concepts mean, the words which stand for them function more like adjectives or adverbs than nouns. I can observe, hear, pat, play with and smell cats and dogs, but – so it seems – I can only observe, witness or perform actions – or, perhaps, people – that are good, bad, responsible, free, etc. Secondly – and this point is acknowledged in the *Ethical Capability Framework* – there rarely is complete agreement as to what such concepts mean. What counts as right or wrong, or free or just is often quite contestable or controversial, both in general terms – precisely what the words “right”, “wrong” and “free” mean – and in specific instances – whether or not a particular action or person, state, regime, etc. is actually right, good or free. Of course being contestable does not imply that the meanings of these words is actually *contested*. All too often, we simply assume that when we use them, those around us will mean the same thing by them as we do (even if we don’t quite know what we do mean!). Such assumptions can lead to unnecessary misunderstandings and even disagreements. Trying to be clear about what certain terms or concepts actually mean is a key part of thinking and inquiry in ethics.

CONCEPTS ACROSS AND THROUGH THE CURRICULUM

The following comments on the nature of concepts generally, the importance of value-laden (ethical) concepts more specifically, and the role that such concepts as freedom, justice, rights and responsibilities play in moral reasoning, judgement formation and decision-making, should also be considered more broadly in the context of the learning areas and capabilities that constitute the Victorian Curriculum F-10, as articulated by the **Victorian Curriculum and Assessment Authority**.

Given the role that concepts play in helping us to organize, classify and understand our experiences, it is not surprising that concepts permeate the curriculum (at all year levels). A curriculum is, after all, designed to provide a meaningful structure for learning, thinking about and evaluating the world around us. We are drawing connections to the curriculum when considering how concepts like justice and rights might guide our thinking in the civics and citizenship learning area or the personal and social capabilities, or of how prominently the concept of freedom has featured throughout history. The links between the curriculum and concepts are also evident in the extent to which science and technology both generate and respond to specific ethical questions, or the meanings of such key logical concepts as *validity*, *consistency* and *deductive/ inductive reasoning* and their role in moral judgement and decision-making. Focusing student attention on the important roles that concepts play in generating deep levels of learning, thinking and understanding should be an area of priority for teachers.



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Q2: WHAT ARE BIG IDEAS

Philosophical concepts, which we call Big Ideas, are distinguished by having the following three characteristics:

1. **Common:** The concept is shared by everybody. It is a word commonly used by students (depending on their age), however they might not be very clear about what such concepts really *mean* or signify; and even if they are clear, others might well disagree (because these concepts are contestable)
2. **Contestable:** The concept will arouse argument and disagreements. Students may hold different understandings of what the concept means, and how it can be used in varied situations. This is how some concepts can rely on necessary conditions.
3. **Central:** The concept is important to use in how we live our lives and understand the world around us. In an ethical context, concepts like a **right** is very important, as are many others such as fair, justice, duty...

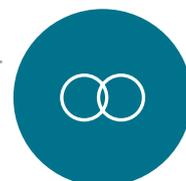
Q3: WHAT IS CONTESTABLE ABOUT THESE CONCEPTS?

HOW IS TOLERANCE A CONTESTABLE CONCEPT?

In using the term “Rights”, we are using a collective noun, not an adjective (e.g. having a *right* to education or “you have no *right* to do that”, rather than getting the *right* answer, doing the *right* thing, or even making a right turn), regardless of whether or not we think these terms are connected (e.g. whether there is some link between having rights and being right or correct).

The concept of *rights* certainly fits the “Three Cs” as outlined previously. Secondary school students will be aware of the term “right(s)”, probably as belonging to one of a family of related or complementary terms (“entitlement”, “privilege”, “obligation”, “duty”, “freedom”, responsibilities”). Some students may recognise its use in such expressions as “Human rights” and “Might makes right!” Further, they should understand that the concept *right(s)* plays a central role in political, legal and ethical contexts. All this demonstrates “rights” as both a common and central concept. Still, as always, it is the “C” of contestability that makes this concept so appropriate for (collaborative) inquiry. Philosophers have discussed for hundreds of years such questions as “What is a right?”, “Where do rights come from?”, “Should and could rights always be protected?”, “What kinds of objects or creatures have rights?” and “How many rights do individuals possess?” with no single consensus emerging. Even where specific rights are enshrined in a constitution or “bill of rights”, it is worth thinking about the nature of rights and why they are so important.

Actually, the centrality of the concept of *rights* is itself contestable or controversial. Where Western, capitalist and – some would say – male-dominated societies have traditionally given great attention to the need to protect or safe-guard the rights of individuals, some feminist and non-Western theorists have been critical of what they regard as an obsession with “rights” preferring, instead, to focus on what *unifies* rather than what *divides* us. For example, if we start from the premise that each person is *inter-dependent* with regard both to other persons and the world itself (rather than being *independent*), we may regard such concepts as care, *trust* and *empathy* as more important, ethically speaking, than *rights*.



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What is it that imbues certain creatures but not others with rights? How do and ought we to manage “border-line” cases such as infants, children (even foetuses), the disabled and the elderly, and non-human animals, when it comes to rights? How students think about such questions is particularly important as they take on positions of authority and responsibility. These questions underlie social and political standpoints on education, life and death issues (abortion, euthanasia...), our relationships with animals (as protectors, masters, hunters, and consumers), and so on. Students may also consider a range of related issues such as whether groups of people have rights collectively or if rights are to be perceived as belonging to, or being exercised by, only individual citizens, and whether particular places, environments or cultures could be considered to have rights which are (or could be) violated or upheld.

The contestability of rights is further illuminated by the issue of whether rights ought to be seen as inviolable and non-negotiable in all circumstances. Can specific rights be denied or removed (e.g. in societies where freedom of speech and association is disallowed, or for individuals such as criminals)? In such cases – e.g. where individuals in some countries are punished for criticizing their government – would we say that criticizing the government is a right for some people but not for others, or that it is a right for all but some people are not permitted to exercise it?

If we regard “rights talk” as part of ethical discourse, it follows that we need to distinguish between what is the case, and what should be the case (or how things are and how they ought to be). It may be true that the strongest and most powerful members of society will often determine what the rest of us may say and do, but it does not follow that they have the *right* to do so.

How and what we think about rights will both affect and be affected by how and what we think about a range of other ethical concepts. If people have certain rights, does this mean that others have a *duty*, *responsibility* or *obligation* to safeguard those rights? Ought we to think of certain rights as being privileges of some kind (which might be removed or denied in situations where they are abused), or are they *entitlements* accorded to all at birth? Students should be encouraged to think about how the concepts of ‘rights’ relates to other connected and relevant ethical concepts.



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Q4: WHAT ARE CONCEPT GAMES, AND HOW DO WE PLAY THEM?

Although each concept game will deal with a different concept, there is a standard process you can use for them all.

1. CONTESTED CONCEPT

Decide on your contested concept, For example: **Rights**

2. SET-UP

Set up the room so you have an area on the floor with a label indicating what each area represents. Often A4 cards are made with the category title. You can also use a hoola hoop to place the cards in.

The students should sit in a circle around the categories. It is important that every student can see each person in the group, as well as the three categories.

With the concept of rights, you could consider the follow possibilities for A4 cards for your concept game:

For example:

RIGHTS	?	PRIVILEGES
A RIGHT	?	NOT A RIGHT
HAS RIGHTS	?	DOES NOT HAVE RIGHTS

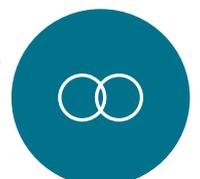
3. PROCEDURE

Part 1:

Begin by getting the students to write a **DEFINITION** of the contested concept.

By thinking about a definition of a term, the students will have to consider a range of scenarios that relate to that concept. Often they will find it challenging to write a definition that fits with every scenario.

- In small groups or individuals, students write down their definition of the concept
- As a class read out each definition and begin to write a **CRITERIA LIST** for that term
- If there are points in your criteria list that clash with one another, discuss to come to a resolution
- It is quite normal for your definition to change and evolve throughout the course of a lesson



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Part 2:

- Get the students to return to their groups
- Each group is given a set of **EXAMPLES**. These may be words, pictures or scenarios.
- Students examine the examples one at a time, and decide which hoop they will place each example.
- An example cannot be placed without students identifying the **REASONS** they are placing it there.
- Nominate a scribe to keep a running list of these reasons.

Part 3:

- As a class come together go through each example
- Discuss any examples that are contested
- It is useful to write the students ideas on the board. This is important to give them a sense of purpose and progress
- While you are organising the reasons:
 - Eliminate repetitions
 - Identify contradictions
 - Seek out any necessary conditions (if appropriate)

Part 4:

- Students revisit their original definition and edit as necessary
- Come together as a class and students share their new definitions
- Discuss come to a final definition

Part 5:

- Always leave time at the end of your lesson for **REFLECTION**
- Students can reflect on what they have learned, clarified or discovered so far
- They can also reflect on their own thinking and contribution to the class

Tips:

- Always ensure the students give reasons for their choices.
- Challenge the students to think of counter-examples that could show how an idea is incorrect.
- Try to combine multiple ideas into one unified concept, or show there are several different concepts in play.
- Write down student questions on the board. This provides a starting board for your next lesson.



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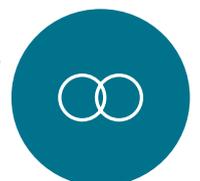
Q5: WHAT TOOLS DO I NEED TO PLAY CONCEPT GAMES?

WORD CARDS FOR A CONCEPT GAME:

RIGHTS

?

PRIVILEGES



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WORD CARDS FOR A CONCEPT GAME: SET 1

To defend yourself

To breathe fresh air

**To say whatever
you want to say**

To tell a lie

**To choose the way
you will die**

To play music

**To experience whatever
takes your fancy**

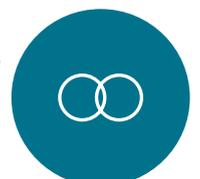
To have children

**To go wherever
you want to go**

**To express your
opinion**

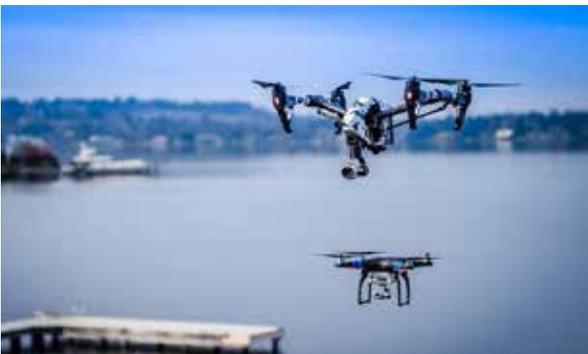
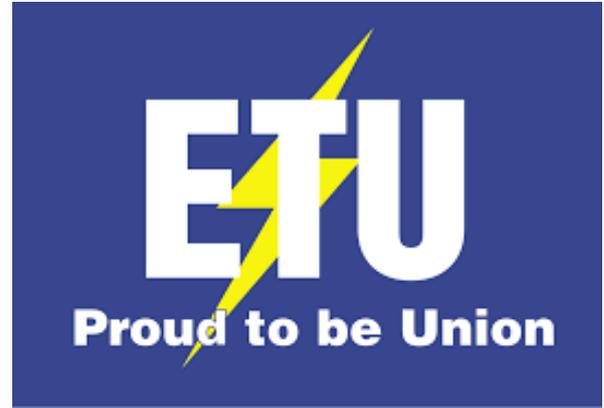
**To offend
another person**

**To marry anyone
you love**

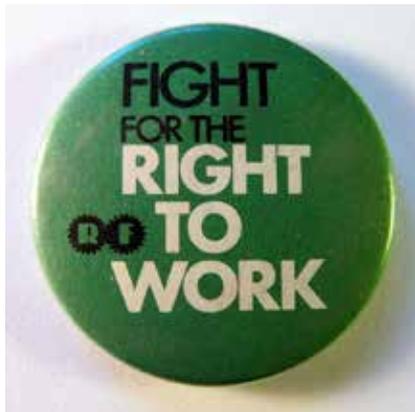


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PICTURE EXAMPLES FOR A CONCEPT GAME:



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Q6: WHAT ARE DISCUSSION PLANS AND HOW DO I USE THEM?

When conducting discussion, it is useful to have prepared some questions in advance. Discussion plans will help provide direction and structure in discussion. They may also be used to direct the students' attention to a particular aspect of the topic being examined.

Discussion plans can be sequential – that is, each question builds upon the previous question, or non-sequential, where the questions devised could be asked in any order. The latter plan allows for you to explore the topic from different angles.

Questions asked should reflect the shift from more “concrete” to more “abstract” thinking in relation to the concept of *Right and Wrong*. In thinking about concepts and their meanings, students are encouraged to offer their own thoughts and opinions in response to questions or comments made by others. However, discussion is transformed into *inquiry* when and only when participants engage in such procedures as:

- Providing reasons and/or evidence (including examples and counter-examples) for their views;
- Building on one another's ideas in the interest of developing a deeper understanding of the issues;
- Balancing a sense of passion for or commitment to their own ideas with an open-mindedness that allows them to rethink issues and change their minds when it is appropriate to do so;
- Showing a commitment to getting to the truth of things while being aware of questions and issues that remain unresolved.

When conducting a philosophical discussion, the teacher should be seen as a facilitator of thinking, rather than the source and evaluator of knowledge. One of the teacher's key roles in guiding discussion and inquiry is to encourage all students to participate without fear of being judged. Teachers should model and encourage the sense that good thinking matters whereas sloppy or careless thinking is to be avoided where possible. Rather than focusing on the “correct” answers, the teacher should place their attention on the students' thinking.

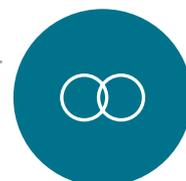
The point of working as a *community* of inquiry is to develop an understanding that the ups and downs that will inevitably occur over time (a breakthrough “Aha!” moment, or a discouraging dead-end, for example) are owned by the community as a whole – and, thereby, by each and every member – and not simply by individuals who have no connection with one another.

WHY use Discussion Plans:

- They are an excellent source of substantive questions.
- They make it more likely that the discussion will get philosophical
- They make inquiry slow down and go deeper.
- They encourage more structured thinking

WHEN to use Discussion Plans:

- Before the class, to help you think about philosophical ideas embedded in the resource material.
- Within a whole class discussion to deepen inquiry,
- When the class breaks into small groups
- To begin a follow-up session, where a question raised previously can be explored by the use of an appropriate discussion plan.



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HOW to use Discussion Plans:

- In an open discussion, use single selected questions from a discussion at appropriate moments in the inquiry.
- Offer the questions to the whole group in the sequences given, leaving ample time for discussion before moving to the next,
- For small group work, cut up discussion plans, handing one or two questions to each group,
- Can be used as a round robin in a whole group, each person having first opportunity to respond to their question or statement, before others are invited to comment.

3 KINDS of Discussion Plans:

Series of Questions

List of questions ranging from concrete to abstract based on the stimulus material.

1. Was Mum lying when she said that there was a dragon in the matchbox?
2. Did she think she was lying?
3. If you think you are telling the truth, but it is really a lie, are you lying or not?
4. Do you have to know that something is untrue for it to be considered a lie?
5. When you don't give the "whole truth", is that lying?
6. Is there a difference between "the truth" and "the whole truth"?
7. Should you always tell the truth?

Series of Statements

Students place a tick or a cross next to each statement and then justify their decision

1. Freedom is being able to do whatever you want.
2. Freedom is just another word for nothing left to lose.
3. There is no freedom without limits.
4. Freedom entails responsibility.

Series of Scenarios

Students contemplate and discuss a set of scenarios around a philosophical theme e.g. Is it ever okay to lie?

1. you hide an asylum seeker in your house and authorities knock on your door
2. you don't want to hurt someone's feelings
3. the person you are conversing with regularly lies to you.

Steps in Designing a Discussion Plan:

Step 1: Work out the philosophical themes in the material

Step 2: Pick one philosophical theme

Step 3: Choose a discussion plan format to suit the theme and the intended use of the plan.

Step 4: Brainstorm questions, scenarios etc as appropriate for kind of plan on slips of paper that can be rearranged.

Step 5: Sort, prune, add. Should there be a particular order?

Step 6: Evaluate – have you covered elements of the theme that you want to cover?



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DISCUSSION PLANS FOR RIGHTS

DISCUSSION PLAN 1: "RIGHTS"

1. What are all the rights YOU have? (Brainstorm them)
2. Why are rights important?
3. What is the difference between a right and a value?
4. Who has rights?
5. Do only human beings have rights?
6. What is the difference between a right and being right?
7. What is an example of a conflict of rights? Can two rights both be right?
8. What values would you choose to defend and uphold?
9. Where do rights come from?
10. Can and should a person have the right to sign away or give up their rights?
11. Are some rights more important than others? If so, why?

DISCUSSION PLAN 2: "HUMAN RIGHTS"

1. What are some rights that you have as an individual living in Australia?
What makes something a "right"?
2. What is a modern-day example of how enacting the freedoms and rights of one group harms the freedoms and rights of another group?
3. What do you think your responsibility as a citizen should be when injustices like this occur?
4. Do only individual citizens have rights or do you think groups and collectives have them too?
5. Do you have rights even if you cannot exercise them or advocate for them in ways that human beings would recognise? For example, could endangered species be considered to have rights?
What about the environment?
6. DO universal rights only belong to human beings?



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EXERCISE: WHERE DO RIGHTS COME FROM?

- It would go against the laws of nature for humanity to fail to do everything in its power to preserve itself as a species and therefore I, as a human being, not only have but should exercise the right to protect my own life
- The strong possess and have justifiably earned the right to rule over the weak because of their naturally superior power and strength
- My life is bestowed upon me by an all-powerful creator and only this deity has the moral right to take it away
- When I started secondary school, I signed a contract stating that I agreed to respect the rights of others to learn and this contract was based on the school values, which every member of the school community decided on together and contributed to forming
- If I can seize it by force then it is deservedly mine and I have a right to it

Sort the above scenarios into the four quadrants below, depending on the category to which you think they belong:

<p>“God given Right”</p> <p>Assumes rights originate from a powerful external force</p> <p>Sacred Texts</p> <p>OBEY</p>	<p>“Natural Right”</p> <p>Assumes rights originate in the world without human intervention</p> <p>They are just there.</p> <p>A current view.</p> <p>DISCOVER</p>
<p>“Might is Right”</p> <p>Assumes rights are established by violence</p> <p>War, coercion etc</p>	<p>“Legal Right”</p> <p>Assumes rights are established by convention, agreement, law makers</p> <p>Magna Carta</p> <p>Declaration of HR</p> <p>CREATE TOGETHER</p>



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Q7: WHAT FURTHER LINKS AND RESOURCES ARE AVAILABLE?

LINKS AND RESOURCES:

Universal Declaration of Human Rights:

<http://www.un.org/en/universal-declaration-human-rights/>

'We Are All Born Free'

Children's illustrated edition of the universal declaration of Human Rights

<https://www.theguardian.com/books/gallery/2008/oct/17/amnesty-declaration-human-rights-children>

'Illustrated version' of the UNHCR produced by United Nations with illustrations

by Yacine Ait Kaci

<http://www.un.org/en/udhrbook/index.shtml>

'Children's Rights'

Discussion of rights in Australia and globally specifically designed to protect children

<https://www.humanrights.gov.au/education/students/get-informed/what-are-childrens-rights>

'Human Rights Explained: Fact sheet 7:

Australia and Human Rights Treaties' Discusses human rights conventions and their impact on Australian law by Australian Human Rights Commission

<https://www.humanrights.gov.au/human-rights-explained-fact-sheet-7australia-and-human-rights-treaties>

<http://www.australiancollaboration.com.au/pdf/FactSheets/Human-rights-FactSheet.pdf>



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IAPC RESOURCE

Lipman, M. and Sharp, A. (1977). *Ethical inquiry Instructional Manual to Accompany LISA*. 2nd ed. Upper Montclair, N.J.: Institute for the Advancement of Philosophy for Children, Montclair State College
ISBN-13: 978-0916834210

Lisa, a classmate of Harry Stottlemeier, experiences a range of physical, aesthetic and ethical awakenings as she puzzles over issues of animal rights, sexism, racism, justice, divorce and death with her classmates. As Lisa and her friends begin to recognize the ethical dimensions of their experience, they delve into the philosophical concepts as the right, the fair, the good, perfection, and naturalism. Lisa's struggles with identity and thinking for oneself leads her to recognize her interdependence with others and with nature. This novel explores the complexity of ethical concerns and the multiple capacities involved in making sound ethical judgments.

Grade Range: 7-12. Target Grades: 7-8



Leading Idea No. 5: What is a right?	P 14
Discussion Plan: What is a right?	P 15
Discussion Plan: Duties and rights, Discussion Plan: Do animals and children have rights?	P 16
Discussion Plan: Rights and obligations	P 17
Exercise: Rights, privileges and obligations	P 18
Leading Idea No. 7: Do animals have rights?.....	P 22
Discussion Plan: How should animals be treated? Discussion Plan: Killing animals	P 23
Discussion Plan: Eating animals, Discussion Plan: Hurting animals.....	P 24
Leading Idea No. 6: Do students have a right to criticize school policy? Discussion Plan: School policies.....	P 86
Exercise: Student rights	P 87
Exercise: Distinguishing between “right” and “a right”	P 189
Exercise: Ownership rights.....	P 202
Leading Idea No. 8: Rights versus privileges	P 212
Fairness, rights, privileges and obligations	P 213



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Lipman, M. and Sharp, A. (1980). *Social Inquiry: Instruction Manual to Accompany Mark*. 1st ed. Upper Montclair, N.J.: Institute for the Advancement of Philosophy for Children, Montclair State College.
ISBN-13: 978-0916834135

This instructional manual aims to support students' thinking skill development through the conceptual foundations of the social sciences. The various exercises and discussion plans aim to identify issues within the social sciences and expose to students to conflicting concepts at the heart of each issue. These various topics fit well within a social studies curriculum unit.



Application Exercise: Theory and Practice, Exercise: Theory and practice	P 43
Exercise: Civil Rights	P 328
Exercise: The Bill of Rights.....	P 330
Exercise: Private Rights.....	P 333
Leading Idea 4: What are rights?	P 363
Exercise: Rights	P 364
Leading Idea 5: Justice as the situation where all one's rights are respected, Discussion Plan: Justice as respect for rights	P 365
Exercise: Rights not mentioned in the Bill of Rights	P 366
Cont. Exercise: Rights not mentioned in the Bill of Rights.....	P 367

