



GCE A LEVEL MARKING SCHEME

AUTUMN 2021

**A LEVEL
RELIGIOUS STUDIES - COMPONENT 3
AN INTRODUCTION TO RELIGION AND ETHICS
A120U30-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2021 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

It is hoped that this information will be of assistance to centres but it is recognised at the same time that, without the benefit of participation in the examiners' conference, teachers may have different views on certain matters of detail or interpretation.

WJEC regrets that it cannot enter into any discussion or correspondence about this marking scheme.

Marking guidance for examiners, please apply carefully and consistently:

Positive marking

It should be remembered that candidates are writing under examination conditions and credit should be given for what the candidate writes, rather than adopting the approach of penalising him/her for any omissions. It should be possible for a very good response to achieve full marks and a very poor one to achieve zero marks. Marks should not be deducted for a less than perfect answer if it satisfies the criteria of the mark scheme.

Exemplars in the mark scheme are only meant as helpful guides. Therefore, any other acceptable or suitable answers should be credited even though they are not actually stated in the mark scheme.

Two main phrases are deliberately placed throughout each mark scheme to remind examiners of this philosophy. They are:

- “Candidates could include some or all of the following, but other relevant points should be credited.”
- “This is not a checklist, please remember to credit any valid alternatives.”

Rules for Marking

1. Differentiation will be achieved on the basis of candidates' response.
2. No mark scheme can ever anticipate or include every possible detail or interpretation; examiners should use their professional judgement to decide whether a candidate's particular response answers the question in relation to the particular assessment objective.
3. Candidates will often express their ideas in language different from that given in any mark scheme or outline. Positive marking therefore, on the part of examiners, will recognise and credit correct statements of ideas, valid points and reasoned arguments irrespective of the language employed.

Banded mark schemes

Banded mark schemes are divided so that each band has a relevant descriptor. The descriptor provides a description of the performance level for that band. Each band contains marks. Examiners should first read and annotate a candidate's answer to pick out the evidence that is being assessed in that question. Once the annotation is complete, the mark scheme can be applied. This is done as a two-stage process.

Banded mark schemes stage 1 – deciding on the band

When deciding on a band, the answer should be viewed holistically. Beginning at the lowest band, examiners should look at the candidate's answer and check whether it matches the descriptor for that band. Examiners should look at the descriptor for that band and see if it matches the qualities shown in the candidate's answer. If the descriptor at the lowest band is satisfied, examiners should move up to the next band and repeat this process for each band until the descriptor matches the answer.

If an answer covers different aspects of different bands within the mark scheme, a 'best fit' approach should be adopted to decide on the band and then the candidate's response should be used to decide on the mark within the band. For instance if a response is mainly in band 2 but with a limited amount of band 3 content, the answer would be placed in band 2, but the mark awarded would be close to the top of band 2 as a result of the band 3 content. Examiners should not seek to mark candidates down as a result of small omissions in minor areas of an answer.

Banded mark schemes stage 2 – deciding on the mark

Once the band has been decided, examiners can then assign a mark. During standardising (at the Examiners' marking conference), detailed advice from the Principal Examiner on the qualities of each mark band will be given. Examiners will then receive examples of answers in each mark band that have been awarded a mark by the Principal Examiner. Examiners should mark the examples and compare their marks with those of the Principal Examiner.

When marking, examiners can use these examples to decide whether a candidate's response is of a superior, inferior or comparable standard to the example. Examiners are reminded of the need to revisit the answer as they apply the mark scheme in order to confirm that the band and the mark allocated is appropriate to the response provided. Indicative content is also provided for banded mark schemes. Indicative content is not exhaustive, and any other valid points must be credited. In order to reach the highest bands of the mark scheme a learner need not cover all of the points mentioned in the indicative content, but must meet the requirements of the highest mark band.

Awarding no marks to a response

Where a response is not creditworthy, that is it contains nothing of any relevance to the question, or where no response has been provided, no marks should be awarded.

Eduqas A Level Generic Band Descriptors

Band	Assessment Objective AO1 – Part (a) questions [20 marks] <i>Demonstrate knowledge and understanding of religion and belief, including:</i> - <i>religious, philosophical and/or ethical thought and teaching</i> - <i>influence of beliefs, teachings and practices on individuals, communities and societies</i> - <i>cause and significance of similarities and differences in belief, teaching and practice</i> - <i>approaches to the study of religion and belief.</i>
5	17-20 marks • Thorough, accurate and relevant knowledge and understanding of religion and belief. • An extensive and relevant response which answers the specific demands of the question set. • The response demonstrates extensive depth and/or breadth. Excellent use of evidence and examples. • Thorough and accurate reference made to sacred texts and sources of wisdom, where appropriate. • Insightful connections are made between the various approaches studied. • An extensive range of views of scholars/schools of thought used accurately and effectively. • Thorough and accurate use of specialist language and vocabulary in context.
4	13-16 marks • Accurate and relevant knowledge and understanding of religion and belief. • A detailed, relevant response which answers the specific demands of the question set. • The response demonstrates depth and/or breadth. Good use of evidence and examples. • Accurate reference made to sacred texts and sources of wisdom, where appropriate. • Purposeful connections are made between the various approaches studied. • A range of scholarly views/schools of thought used largely accurately and effectively. • Accurate use of specialist language and vocabulary in context.
3	9-12 marks • Mainly accurate and relevant knowledge and understanding of religion and belief. • A satisfactory response, which generally answers the main demands of the question set. • The response demonstrates depth and/or breadth in some areas. Satisfactory use of evidence and examples. • Mainly accurate reference made to sacred texts and sources of wisdom, where appropriate. • Sensible connections made between the various approaches studied. • A basic range of scholarly views/schools of thought used. • Mainly accurate use of specialist language and vocabulary in context.
2	5-8 marks • Limited knowledge and understanding of religion and belief. Basic level of accuracy and relevance. • A basic response, addressing some of the demands of the question set. • The response demonstrates limited depth and/or breadth, including limited use of evidence and examples. • Some accurate reference made to sacred texts and sources of wisdom, where appropriate. • Makes some basic connections between the various approaches studied. • A limited range of scholarly views/schools of thought used. • Some accurate use of specialist language and vocabulary in context.
1	1-4 marks • Very limited knowledge and understanding of religion and belief. Low level of accuracy and relevance. • A very limited response, with little attempt to address the question. • The response demonstrates very limited depth and/or breadth. Very limited use of evidence and examples. • Little or no reference made to sacred texts and sources of wisdom, where appropriate. • Little or no use of scholarly views/schools of thought. • Very few or no connections made between the various approaches studied. • Some grasp of basic specialist language and vocabulary. N.B. A maximum of 2 marks should be awarded for a response that only demonstrates 'knowledge in isolation'
0	• No relevant information.

Band	Assessment Objective AO2 - Part (b) questions [30 marks] <i>Analyse and evaluate aspects of, and approaches to, religion and belief, including their significance, influence and study.</i>
5	25-30 marks • Confident critical analysis and perceptive evaluation of the issue. • A response that successfully identifies and thoroughly addresses the issues raised by the question set. • Thorough, sustained and clear views are given, supported by extensive, detailed reasoning and/or evidence. • The views of scholars/schools of thought are used extensively, appropriately and in context. • Confident and perceptive analysis of the nature of connections between the various elements of the approaches studied. • Thorough and accurate use of specialist language and vocabulary in context.
4	19-24 marks • Purposeful analysis and effective evaluation of the issue. • The main issues raised by the question are identified successfully and addressed. • The views given are clearly supported by detailed reasoning and/or evidence. • Views of scholars/schools of thought are used appropriately and in context. • Purposeful analysis of the nature of connections between the various elements of the approaches studied. • Accurate use of specialist language and vocabulary in context.
3	13-18 marks • Satisfactory analysis and relevant evaluation of the issue. • Most of the issues raised by the question are identified successfully and have generally been addressed. • Most of the views given are satisfactorily supported by reasoning and/or evidence. • Views of scholars/schools of thought are generally used appropriately and in context. • Sensible analysis of the nature of connections between the various elements of the approaches studied. • Mainly accurate use of specialist language and vocabulary in context.
2	7-12 marks • Some valid analysis and inconsistent evaluation of the issue. • A limited number of issues raised by the question set are identified and partially addressed. • A basic attempt to justify the views given, but they are only partially supported with reason and/or evidence. • Basic use of the views of scholars / schools of thought appropriately and in context. • Makes some analysis of the nature of connections between the various elements of the approaches studied. • Some mainly accurate use of specialist language and vocabulary in context.
1	1-6 marks • A basic analysis and limited evaluation of the issue. • An attempt has been made to identify and address the issues raised by the question set. • Little attempt to justify a view with reasoning or evidence. • Little or no use of the views of scholars/schools of thought. • Limited analysis of the nature of connections between the various elements of the approaches studied. • Some use of basic specialist language and vocabulary.
0	• No relevant analysis or evaluation.

A LEVEL COMPONENT 3: AN INTRODUCTION TO RELIGION AND ETHICS

AUTUMN 2021 MARK SCHEME

To be read in conjunction with the generic level descriptors provided.

Section A

1. (a) Examine the implications of predestination for religious belief, with reference to:

- i) the use of prayer
and
- ii) the existence of miracles.

[AO1 20]

Candidates could include some of the following, but other relevant responses should be credited.

- Some may say that predestination means prayer is of little use as God has already determined what has happened in the future and prayer can make no difference to this. However, this misses the point according to Calvinists that, if predestination exists, then prayer is already predestined and the outcomes of that prayer also predestined.
- This does not necessarily mean that humans are unable to choose what they pray about, as God knowing what people will pray and God causing people to pray are not one and the same.
- Calvin describes three purposes of prayer: firstly, it keeps humans focused on God and determined to serve him, secondly it means that humans are open to God at all times and therefore less likely to think about actions which do not please God, and finally it allows humans to be grateful to God for the benefits they receive and to give thanks for his gift of salvation.
- Therefore, if a person accepts predestination, they see prayer as a vital part of salvation rather than as a request in which they ask God to change the future.
- Candidates may outline the view that predestination rules out belief in miracles in terms of God intervening to change the world, as this would entail changing God's original plan. However, they are likely to go on to explain the view that, if these are genuine miracles, then they would have been part of God's divine plan from the start.
- Aquinas claimed that God was present in the miraculous and non-miraculous alike, but in the non-miraculous, a natural cause was also present. This does not contradict predestination.
- Predestination, from a Calvinist perspective, does not rule out belief in miracles, but does suggest that contemporary miracles do not happen.
- The question about the existence of miracles was one of the major debates at the time of the Reformation and Calvin was quite clear that predestination did not rule out Biblical miracles, but did not necessarily allow for some of the events claimed to be miraculous by the Roman Catholic church.

- Calvin stated that the main purpose of miracles was to confirm revelation. There may have been an immediate purpose, such as healing a sick individual, but the wider purpose was to confirm the message of Jesus.
- He was concerned to avoid the claims of deception and sorcery that accompanied more contemporary miracles, calling these 'frivolous'.
- Therefore, for Calvin, miracles could happen alongside a belief in predestination, but only in order to confirm the truth of Jesus' message.

This is not a checklist, please remember to credit any valid alternatives.

1. (b) 'All religious believers should accept the religious concept of predestination.'

Evaluate this view.

[AO2 30]

Candidates could include some of the following, but other relevant responses should be credited.

- It is clear that for many religious believers predestination is not a problem. It is one of the articles of faith of the Church of England, is accepted by many other Protestant denominations, and is a key element of faith for Muslims.
- Predestination is, according to these scholars, necessary in order to uphold the omnipotence and omniscience of God, as it would be unacceptable if God's knowledge were to be dependent upon human action.
- However, some may be uncomfortable with the notion of Calvin's absolute predestination as it appears not to be compatible with God's benevolence e.g. Pelagius and, to some extent, Arminius and John Wesley.
- Despite this, the fact that God saves some humans in spite of original sin is evidence of benevolence from an Augustinian perspective.
- It could be argued that predestination is a problem for some religious believers as it seems to rule out human free will. Taken to its logical extreme, some people would argue that this makes God responsible for all acts of evil as he was aware of these from the beginning of time.
- Augustine and Calvin would both have rejected this assertion to a degree. In their view, predestination does not rule out free will as humans are not forced by God to act in one way or another and make choices about their actions. God is aware of what actions they will take as he is timeless, but this does not make him responsible for their actions.
- Aquinas also does not see this as a problem, as he says that the suffering of the damned serves to highlight the happiness of the saints and is therefore warranted.
- Candidates may also choose to look at this question through the lens of prayer or the existence of miracles. It could be argued that predestination is a problem because it devalues prayer or makes miracles impossible.
- In contrast to this, these assumptions seem to misunderstand the views of theologians such as Calvin who argue that prayer is still essential to salvation and that miracles can indeed happen as part of God's plan.
- From a Buddhist point of view, predestination may be problematic as it entails a fatalistic interpretation of karma which could be seen as far from that put forward by the Buddha.
- Instead, candidates may argue that, while they may be affected by the karma from previous actions and lives, Buddhists choose how to respond to this and therefore are not determined to a particular future.

Overall, candidates should engage with the debate and come to a substantiated evaluation regarding the issue raised.

2. (a) Examine the implications of libertarianism for moral responsibility.

[AO1 20]

Candidates could include some of the following, but other relevant responses should be credited.

- There are many examples and various views from scholars that could be used to answer this question.
- Libertarians would argue that human life is free from deterministic factors and therefore humans should be held totally responsible for their own moral choices. This means that human ideas about right and wrong are incredibly important and should form the focus of study, as humans can rightfully be blamed for making poor moral choices.
- It also means that normative ethical theories are vital in giving guidelines about how best to utilise free will. If a moral agent does not consider how to act, then they may become amoral and can fairly be punished for their actions. Candidates may refer to libertarian thinkers such as Kant and Descartes.
- Professor Robert Kane begins with his definition of free will as something that is 'not beyond our control' and compares it to Aristotle's notion of our behaviour being 'up to us'. It is this idea, the notion that we have ultimate responsibility or 'up to usness' drives Kane's view that we are morally responsible beings.
- However, humans are also free to choose absolutist moral approaches such as Natural Law which give clear guidelines about good and bad actions. The implications of libertarianism are that we are responsible for choosing the best guide to moral behaviour.
- Sartre viewed freedom as a 'curse' on humanity. Many humans do not wish to shoulder this responsibility and so act in 'bad faith', attempting to deny the extent of their freedom. For Sartre, moral responsibility was inherent to the human disposition.
- Accepting libertarian views means that moral agents cannot use the excuse of genetic predisposition or psychological conditioning to avoid taking moral responsibility, as has been attempted in some court cases.
- However, candidates may refer to a range of scholars who see moral responsibility and free will as practical realities, but simultaneously an illusion e.g. Galen Strawson and Daniel Dennett.
- Some may explore the work of psychologists such as Carl Rogers who attempted to explain free will and moral responsibility through the process of self-actualisation and the Fully Functioning Person and reconcile this with a scientific deterministic worldview.
- Candidates may refer to the work of scientists such as Angela Sirigu, which is inconclusive about free will; however some may refer to new ideas about 'freedom' in relation to a more complete model of what a human being is, for example, Nancey Murphy who maintains that we are 'free' even if there is a purely mechanistic explanation for a human being.

This is not a checklist, please remember to credit any valid alternatives.

2. (b) 'Individuals can never make free moral choices.'

Evaluate this view.

[AO2 30]

Candidates could include some of the following, but other relevant responses should be credited.

- Determinists would argue that the concept of free moral choice is incoherent, as humans are never 'free' in the sense that they can choose between alternative courses of action.
- However, most determinists would accept that humans can still make moral choices to some degree and should therefore be held responsible for these.
- The concepts of philosophical, psychological or biological determinism could be used here to elaborate on this view.
- It could be argued that the determinist position is illogical. How can it be claimed that human actions are determined by prior causes, genetic factors of psychological conditioning while at the same time arguing that humans have free choice and therefore are subject to praise or blame for their actions.
- Galen Strawson differentiates between a practical 'free will' that is an illusion and the *a priori* fact that it is impossible. Candidates may draw upon his argument.
- The views of Robert Kane and 'self-forming actions' may be used to counter Strawson's claims and point out that free will can work within a largely causal mechanism.
- The attempts to distinguish between 'free will,' which is rejected by the determinists, and the need to take moral responsibility, which is accepted, may be dismissed as incoherent or simply viewed as a pragmatic approach.
- Alternatively, it could be argued that humans are entirely free to make moral choices and are fully responsible for the choices they make.
- Following Sartre's line of reasoning, the fact that so many humans reject the idea of free will is actually proof that it exists. Humans work hard to avoid the consequences of total freedom as they do not wish to take on this level of moral responsibility.
- Candidates may explore the various debates within science that strive to explain how we make choices but also explain how this may give the 'impression' of freedom. The arguments of compatibilists such as Daniel Dennett and new libertarian thinkers such as Murphy and Messer may be used as examples.
- Likewise, work in psychology can be presented to support the suggestion that conditioning is not permanent and can be overcome, leaving humans capable of free moral choices. Rogers attempted to reconcile the scientific deterministic worldview with his notion of moral freedom.
- Soft determinists would argue that humans are capable of making free moral choices, as long as there is no external cause preventing this choice.
- Religious believers may argue that free will is granted by God and therefore humans are capable of making free moral choices, even if the outcome of their choosing is known in advance by God.

Overall, candidates should engage with the debate and come to a substantiated evaluation regarding the issue raised.

Section B

3. (a) Examine Fletcher's four working principles as a means of assessing morality.

[AO1 20]

Candidates could include some of the following, but other relevant responses should be credited.

- Situation Ethics is a relativistic, teleological and consequentialist theory therefore moral decisions are assessed by considering the individual situation and the consequences of the particular action rather than by considering rules or moral norms to be of paramount importance.
- Fletcher believed that decisions should be made based on a single principle of agape, self-sacrificial love, as outlined in the six fundamental principles which explain why love is the best principle to use in ethics.
- In order to put agape into practice, the four working principles – pragmatism, relativism, positivism and personalism are used to establish the most loving action in a given situation.
- Pragmatism deals with whether the action works in a given situation towards the most loving outcome. The solution to an ethical dilemma has to be practical; there is no point in following an ideal action if it will not result in love in the particular circumstance. Candidates may illustrate this point with appropriate examples which may or may not be drawn from the issues listed for application.
- Relativism means that there are no absolute moral rules or laws, everything is relative to the law of love. This means that any action is theoretically possible in each unique situation, if it is relative to agape. Again, candidates may illustrate their explanation with appropriate examples.
- Positivism entails acting out of faith in a loving God rather than relying on perceived natural laws. The principles of Christian love should be seen as asserting faith when making all value judgements and not just an application of another 'rule' or 'principle'.
- Personalism involves valuing the people in a situation more highly than moral rules and seeking a loving outcome for all involved. Candidates may choose to illustrate this point with appropriate examples.
- The role of personal responsibility is important when applying the working principles and while individuals may consider the basic ethical rules of their community, these may be put to one side if it serves love best to do so.
- The working principles may be related to a particular ethical issue or an example such as 'Mrs Bergmeier' in order to illustrate how they are used in practice to assess moral decisions.

This is not a checklist, please remember to credit any valid alternatives.

3. (b) 'Religious rules should not be replaced with agape.'

Evaluate this view.

[AO2 30]

Candidates could include some of the following, but other relevant responses should be credited.

- Candidates may use Fletcher's fundamental principles to argue against this statement and suggest that love should lie at the heart of all Christian moral decision making. They may support this with biblical teaching such as 1 Corinthians 13.
- This line of argument may be supported with examples from the life of Jesus in which he acts out of love rather than rigid adherence to religious law, such as healing on the Sabbath.
- Situation Ethics allows a more flexible response to moral issues which could be seen as more useful than following a rigid set of laws. Candidates may use contemporary examples where particular religious rules may appear to give an unfair or immoral response.
- However, the difficulty of understanding and applying the law of agape to different situations could be considered and the value of religious rules could be supported in different ways.
- One line of argument would be that humans are too easily biased and may apply a form of love that is not truly unconditional.
- Candidates could argue that Jesus, as the son of God, was able to apply the law of agape, but that rules and regulations are required for other human beings to act morally.
- Another line of argument is that the law of agape gives too much freedom and responsibility to flawed human beings.
- Candidates may argue that humans require more definite guidance on moral decision making and that religious rules are necessary so that humans do not sin inadvertently when trying to act out of love. They may give specific examples of religious rules which give clear moral guidance, such as 'do not commit adultery.'
- The work of William Barclay in *Ethics in a Permissive Society* may be referred to as an attack upon Situation Ethics and the idea that religious rules should be replaced with agape.
- Situation Ethics has been widely condemned by a range of religious leaders for being dangerously individualistic and contrary to a truly Christian approach to ethics. It could be argued that such leaders are best placed to judge whether moral rules should be followed.
- To develop this point, candidates could give examples of situations in which an individualist approach may lead to 'immorality' on the basis of other religious rules.
- Religious rules that should always be adhered to may be discussed.

Overall, candidates should engage with the debate and come to a substantiated evaluation regarding the issue raised.

4. (a) Explain challenges to the meta-ethical approach of Naturalism.

[AO1 20]

Candidates could include some of the following, but other relevant responses should be credited.

- Candidates may begin by summarising the meta-ethical approach of Naturalism; the theory that objective moral laws exist independently of human beings and that morality can be best understood by observation of the natural world, such as the factors which lead to human flourishing.
- This leads to moral statements being regarded as universal and objective truths which can be analysed empirically.
- One challenge to Naturalism is 'Hume's Law' or the 'is-ought' problem, based on the distinction between matters of fact and matters of value. Hume states that it is illogical to move from a natural statement, an 'is', to a moral statement, an 'ought.' He states that this move from fact to value should not go unchallenged as he believes that morals cannot be derived from reason alone.
- Another challenge to Naturalism comes from Moore's Naturalistic Fallacy. This is the claim that, contrary to the views of Naturalism, moral terms such as 'good' cannot be defined in natural terms. Moore makes this criticism of J. S. Mill in particular.
- Moore gives the example of the colour yellow, which cannot be defined in scientific terms and can only be perceived. He compares this with moral terms, claiming that 'good' cannot be defined in terms of other properties such as pleasure or duty. Good is a simple concept and therefore cannot be broken down into constituent parts in the same way that yellow cannot. The difference between good and yellow is that yellow can be perceived using the senses whereas, according to Moore, good can only be known by intuition. This challenges the view of Naturalism that 'good' can be defined in naturalistic terms.
- Another challenge raised by Moore is the 'open question' argument. Moore argues that naturalism is proved wrong because, when naturalists observe a non-moral fact such as an action causing pleasure and relate this to morality, we can still ask an open question 'is this action good?' The fact that we can observe a pleasurable act and still ask whether it is good tells us that naturalistic definitions are wrong in some way.
- Moore argues that, if good can be defined as X (a natural property) then it should make no sense to ask if X is really good, as this should be obvious.

This is not a checklist, please remember to credit any valid alternatives.

4. (b) 'Ethical statements are not objective.'

Evaluate this view.

[AO2 30]

Candidates could include some of the following, but other relevant responses should be credited.

- Emotivists would agree that ethical statements are not objective as they are not statements of fact but simple expressions of emotion. For example, saying that abortion is wrong is not a statement of fact but is the equivalent of saying 'Boo! To abortion.'
- For an Emotivist, a moral statement is subjective and expresses something about the individual who uses the word, rather than being an objective truth about the world.
- However, there are difficulties with this theory in that it leaves moral disagreements as nothing more than shouting matches and doesn't allow condemnation of moral atrocities on rational grounds.
- A Naturalist would disagree with this view and argue that ethical statements can be seen as objective facts about the world which can be analysed in the same way as other objective truths.
- There may be debate over which natural aspects of the world morality should be based on, but it cannot be disputed that ethical statements should be regarded as objective truths.
- 'Hume's Law' could be proposed as a counter-argument here, expressing the logical fallacy in deriving an 'ought' from an 'is', however candidates are likely to recognise that this is not, in itself, an argument against the Naturalist position, but rather a recognition of the gaps and assumptions made in the naturalist line of reasoning.
- Alternatively, it could be argued that ethical statements are objective truths based on our moral intuition. Ethical statements express our universal moral intuitions, which are objective in that they are shared by all moral agents.
- This allows legitimate condemnation of moral atrocities without the difficulty of defining 'goodness' in terms of contested natural properties.
- However, Moore concedes that our moral intuitions could be wrong, which suggests that they may be more subjective than objective. As 'good' is seen by Intuitionists as indefinable, we have no way to justify what the 'correct' intuitions are, beyond that they are shared by a greater number of people. This view, however, does not make ethical statements truly objective.
- Ross's concept of 'prima facie duties' could be used to suggest that moral statements could be based on objective general principles drawn from our intuition, however it is unclear where these intuitions derive from and some would say that this approach is simply a way to avoid difficult discussions about the reasons that lie behind moral judgements.

Overall, candidates should engage with the debate and come to a substantiated evaluation regarding the issue raised.

5. (a) Apply Proportionalism to the issue of capital punishment.

[AO1 20]

Candidates could include some of the following, but other relevant responses should be credited.

- Candidates may choose to outline the basic norm of Proportionalism, however the majority of the answer should be devoted to a possible application of its principles. Candidates may differentiate between different approaches to Proportionalism, for example, 'conflict-situation', 'virtue approach' and 'value-maximisation' as a basis for their answer.
- Followers of Natural Law have traditionally supported capital punishment for the 'gravest crimes' such as murder, following the view taken by Aquinas that it promotes order in society, however, more recently, the official position of the Roman Catholic Church has moved away from support for capital punishment, as there are other means of punishment which serve the end of an ordered society. There is strong evidence to suggest that Aquinas did not apply 'proportionate reasoning' in this debate.
- As candidates could have been taught different Roman Catholic perspectives on the application of Natural Law to capital punishment, applications which start from the premise that capital punishment is morally right **or** morally wrong should be credited (as well as those which recognise the current debate) but should clearly explain the reasoning.
- Capital punishment is not considered as a 'conflict situation' and so was not discussed within the early Proportionalism debates and so it could be pointed out that a decision on the 'morality' of capital punishment is arrived at by using traditional Natural Law practical reasoning and not Proportionalism.
- Garth Hallett's 'unrestricted' Proportionalism is possibly the most relevant approach. His philosophy of 'value-balancing' and 'value-maximisation' may be applied, but even then, it is hard to ever justify taking a life under any circumstance no matter how extreme.
- From the basic view of whether the action is good or evil, Proportionalism needs to consider whether there are sufficient grounds to use capital punishment.
- Most Proportionalists would argue that taking the life of another human being, no matter what they have done, is an evil action which is unlikely to ever be proportionate. Indeed, most would reject the notion that it would ever reach the stage of being considered in relation to proportionate reasoning.

This is because practical reasoning would suggest that if the intention of the act is to protect society and to establish order, these aims can be adequately achieved through other methods of punishment, such as life imprisonment, which were not available in Aquinas' time and therefore there is never justification for the evil of killing.
- Proportionalists may point to the number of cases in which human error has resulted in capital punishment of the innocent. They would argue that this form of punishment is not motivated by agape and it is not the only method to uphold the primary precepts, and therefore there is unlikely to be a case which is sufficiently unusual and of sufficient weight to warrant capital punishment being the morally right thing to do. It is interesting that Hoose presents this as a Utilitarian argument and not proportionate reasoning.

This is not a checklist, please remember to credit any valid alternatives.

5. (b) 'Proportionalism promotes immoral behaviour.'

Evaluate this view.

[AO2 30]

Candidates could include some of the following, but other relevant responses should be credited.

- Proportionalism could be seen to promote immoral behaviour as it dilutes the structured moral framework of Natural Law in an unacceptable way. The theory was condemned by Pope John Paul II in *Veritatis Splendor* as it would allow for certain actions which are intrinsically evil and contradict Romans 3:8 where Paul condemns and rejects the notion of 'Let us do evil so that good may come'.
- Also, it could be seen to promote immoral behaviour as it is too open to misunderstanding: it is not totally clear what would constitute a 'proportionate' reason to break a natural law and this could lead to immorality if the rules are broken unnecessarily.
- However, supporters of proportionalism may reject this criticism as the deontological rules of Natural Law take precedence in the vast majority of situations. Accordingly, in extreme circumstances, looking at the potential consequences of a situation before making a final decision is the common-sense approach and puts the people involved about a rigid obsession with rules for the sake of rules.
- Proportionalism could be seen as promoting a more moral approach as it allows the situation to be taken into account in extreme circumstances while still following the rules of Natural Law in most situations.
- This means that there are clear-cut guidelines which are easy to follow for the most part, but where following these rigidly would lead to injustice, there is room for a different decision to be seen as ethical.
- It could be argued that Proportionalism clearly follows the principle of Aquinas' application of Natural Law as there are many examples in his writing of taking a proportionate approach. Therefore it is more likely to lead to a genuinely moral decision than the strict interpretation of Natural Law that has been used over the years as it is actually closer to the intentions of the originator of the theory – 'the more you descend into detail, the more it appears how the general rule admits exceptions' (Aquinas).
- Proportionalism also offers a way to combine the best aspects of Natural Law – a structured moral framework – with the flexibility of Situation Ethics in order to get the best of both worlds. It avoids the outdated biological basis of Natural Law (Curran) which could be seen to lead to unfair and discriminatory decision making, but also avoids the main criticisms of Situation Ethics relating to the lack of moral guidance. This makes it unlikely to promote immoral behaviour, but instead take a more pragmatic approach about what is moral in a complex and imperfect world.
- Proportionalists would argue that their approach is more moral in some ways than Natural Law as it comes closer to the agapeistic approach of Jesus seen in the Gospels, while still accounting for the human need for structure and authority.

Overall, candidates should engage with the debate and come to a substantiated evaluation regarding the issue raised