

Whilst many favour the rules-based approach given by Natural Law and the way it allows them to have a clear moral stance on many issues, I think it is fundamentally flawed as people's perception of what is a rational decision will vary according to their cultural background – what is considered rational and right in one culture may not be in another. 6

Hints

- 1 Focus.
- 2 Understanding.
- 3 Examples.
- 4 Role of authority.
- 5 Develop.
- 6 Link.

Completed hints

- 1 The answer has clearly focused on the question and has made a valid point on the benefits of Natural Law's absolutist approach.
- 2 The second half of the paragraph displays clear understanding of one of the core principles of Natural Law and of one of the virtues.
- 3 Some good examples of evaluation are given here pointing out two of the major weaknesses of Natural Law. The fact that not everyone has the ability to reason could be developed further with an example.
- 4 The reference to Martin Luther shows a mature understanding of the issue of the importance of scriptural authority over Natural Law.
- 5 Whilst the points raised here are perfectly valid, they could be developed – what are Natural Law's views on abortion and euthanasia and why are these views held? Why according to Natural Law would contraception not be allowed?
- 6 An appropriate conclusion has been drawn that clearly links to the arguments presented above. Perhaps an example could have been used to illustrate the point made? But still, overall very good.



Natural Law is still used by the Roman Catholic Church

C: Aquinas' Natural Law: application of the theory

The issues arising from abortion

An abortion can be defined as the termination of a pregnancy before 24 weeks. Abortions are available on the National Health Service (NHS) but women seeking them must be referred by a doctor. According to the Brook Advisory Service '... although the normal legal limit for abortion is 24 weeks, it is usually easiest to get an abortion on the NHS if a woman is under 12 weeks pregnant'.

There are two classifications of abortion: medical and surgical. The first, achieved by means of an abortion pill (mifepristone) and a tablet (prostaglandin) inserted into the vagina 36 to 48 hours later, is a **medical abortion**. It involves no surgery and, in effect, is like heavy menstruation; however, it is not available in all areas.

The second type involves surgery and is called a **surgical abortion**. Most commonly, it is achieved through vacuum aspiration or suction and is available up to the week 13 of pregnancy. Women usually recover within a few hours and can go home the same day. In later stages of pregnancy, a process of dilation and evacuation is used, which involves opening the cervix and entering the womb, then removing the contents by means of surgical instruments as well as suction.

One of the important issues surrounds the question of exactly the moment of the beginning of 'humanness'. The beginning of 'humanness' is debated in philosophical, ethical and legal circles but, biologically speaking, the beginning is at conception. In its broadest terms, the development, that is, the actualisation of the potentiality to become fully human, takes the following course:

1. conception
2. **zygote** (pre-embryo, 0–5 days)
3. **blastocyst** (a group of multiplying cells, pre-embryo, 5–14 days)
4. **embryo** (14 days to 8 weeks)
5. **foetus** (8 weeks onwards)
6. new born (birth, usually between 38 and 42 weeks).

It is interesting that the stage of pregnancy is calculated from the first day of the woman's last period. Despite such accuracy of science and technology, even the stage of conception is arguably vague and the timings given above assume normal growth rates.



A foetus

This section covers AO1
content and skills

Specification content

Aquinas' Natural Law: application of the theory. The application of Aquinas' Natural Law to the issue of: abortion.

Key terms

Blastocyst: a group of multiplying cells

Embryo: an animal in the early stage of development before birth; in humans, the embryo stage is the first three months after conception

Foetus: the unborn baby from the end of the eighth week after conception (when the major structures have formed) until birth

Medical abortion: abortion by means of the abortion pill

Surgical abortion: abortion by means of the suction method

Zygote: a cell formed by the union of a male sex cell (a sperm) and a female sex cell (an ovum), which develops into the embryo according to information encoded in its genetic material

quickfire

2.10 What is the legal timeframe for an abortion?

Key quote

Personhood may be one thing and human life another; hence it is possible to argue that, while the zygote may not be a person, there is no logical alternative to regarding it as the first stage in human life. (Mason and Laurie)

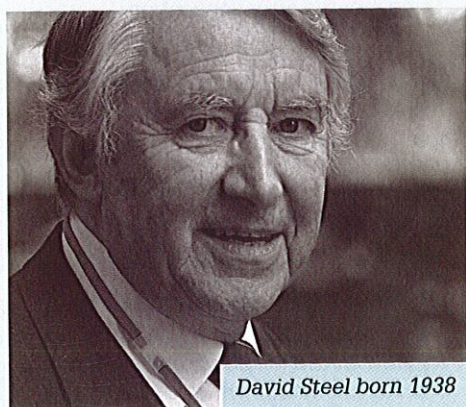
Key quote

The basic argument against abortion, on which all others build, is that the unborn child is already a human being, a person, a bearer of rights, and that abortion is therefore murder. (Mackie)

Key quote

Whether or not abortion should be legal turns on the answer to the question of whether and at what point a foetus is a person. This is a question that cannot be answered logically or empirically. The concept of personhood is neither logical nor empirical: it is essentially a religious, or quasi-religious idea, based on one's fundamental (and therefore unverifiable) assumptions about the nature of the world.

(Campos)



David Steel born 1938

The changes in the law against abortion reflect changes in attitude and begin with the Offences Against the Person Act (1861), which depicts procuring a miscarriage as a criminal act. The problem was that there was no option for therapeutic activity. In 1929 the Infant Preservation Act allowed the preservation of the mother's life as reason for a termination.

David Steel introduced the Abortion Act 1967 that stated: 'two doctors must agree that an abortion is necessary. It is deemed necessary if:

1. The woman's physical health is threatened by having the baby or any existing children would be harmed mentally or physically by the woman proceeding to have the baby.
2. There is a high risk the baby would be handicapped.

This was clarified by the Embryology Act 1990 (Section 37). According to Mason and Laurie '... it now states that a person is not guilty of an offence under the law of abortion when termination is performed by a registered practitioner and two registered medical practitioners have formed the opinion in good faith that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family.' The legal limit was also reduced from 28 weeks to 24 weeks; however, the Act also removed time restrictions for a foetus aborted due to abnormality.

AO1 Activity

An **acrostic** is a form of writing in which the first letter of each line spells out a word. Using the word 'Abortion', aim to write out **eight** facts or key words which you feel sum up the important aspects of the issue.

Study tip

There are many examples of specialist language and vocabulary in this topic. Make sure that you don't get confused by the different terms that are used to describe issues related to abortion. Your ability to use the terms accurately in an examination answer would distinguish a high level answer from one that is simply a general response.

This raises a key legal issue in that an abortion for reason of abnormality does absolve the gynaecologist of destruction of the foetus but not of unlawful killing of a 'creature in being'. For instance, if such an abortion entitles the foetus to a birth and death certificate, then surely such a 'person' is protected by the full extent of the law?

Peter Singer raises the issue of personhood when he writes: 'To kill a human adult is murder, and is unhesitatingly and universally condemned. Yet there is no obvious sharp line which marks the zygote from the adult. Hence the problem.'

Key quote

The dilemma of the gynaecologist who is there to relieve a woman of her foetus, however, is that 'there is now an infant who, on any interpretation, is entitled to a birth certificate, and, if necessary, a certificate as to the cause of death'.

(Mason and Laurie)

Another related issue involves the **sanctity of life**, which is the belief that life is in some way sacred or holy, traditionally understood as being given by God. Kant actually gives the idea of the sanctity of life a non-religious perspective based on purely ethical grounds, and philosophers such as Peter Singer have long called for a shift from talking about the sanctity of life towards a more universal discussion about the value of life.

The key debates, then, consider when an act can be classed as killing, or even murder, and at which point potential human life acquires such value as to make abortion an ethical injustice.

This leads into more specific questions concerning the nature and status of the foetus.

One of the major problems with the abortion debate is that there are blurred and inaccurate definitions for the terminology. For example, those campaigning against abortion (**pro-life**) and those campaigning for the rights of women to have abortions (**pro-choice**), interpret the terms *life* and *unborn* differently. For one group, the idea of a human person includes the stage of an embryo, while the other considers only that stage beyond birth.

It is important, therefore, to establish what such interested parties actually mean when they refer to a baby, a person and a life. This is intrinsic to this aspect of the debate and therefore it is important to consider some different views. There are several arguments concerning the application of the status of personhood to the embryo, foetus or child. These tend to be based on either biological stages or related to philosophical and religious principles or concepts.

Biological debates depend upon physical evidence to define the status of the foetus. Some argue that the status of personhood is only applied at actual physical **birth**. This is the first true point of independence and individuality. Others argue for the point of **viability**, that is, the status of personhood is awarded at that time when the unborn can exist beyond any dependence on the mother. A more traditional approach has been defining the start of human life by what is known as the **quickening** when the 'child' is first felt to move, although this does vary from individual to individual and therefore has no standardised point. Finally, some would suggest life begins at the point when **potential** for life begins (at conception).

Philosophical or religious arguments are based on concepts or principles beyond the physical evidence. Some would argue that life begins at the point of **consciousness** when the ability to think and reason is clearly evidenced. Others argue for **ensoulment** when it is believed that the soul enters the body. This point is debated as proposals between 40 and 90 days have been offered, but the argument defies accuracy.

Peter Vardy makes an important point when he observes that arguments are based upon the meaning of words, or what he calls '**relational factors**'. What he means by this is that there are different interpretations or understandings of the same words. Until accurate definitions of key terms are agreed, the stage at which personhood status is awarded can never be universal.

Key quote

We may take the doctrine of the sanctity of human life to be no more than a way of saying that human life has some very special value The view that human life has unique value is deeply rooted in our society and is enshrined in our law. (Singer)

Key terms

Birth: the point at which the child is separated from the mother and becomes a separate entity

Consciousness: awareness of self

Ensoulment: the point when the soul enters the body

Potential: the possibility, at conception, of becoming a human person

Pro-choice: supporting women's rights to have abortions

Pro-life: against abortion

Quickening: traditionally, when the child is first felt to move inside the mother

Relational factors: different interpretations of the same words or terms, depending on the viewpoint of the observer

Sanctity of life: the belief that life is sacred or holy, given by God

Viability: the ability to grow and develop into an adult, especially the ability of the child to exist without dependence on the mother

quickfire

2.11 When was the Abortion Act introduced?

quickfire

2.12 What are the two conditions of the act in considering an abortion necessary?

Key quote

What is to be done with a live foetus? The 1990 Act absolves the gynaecologist of destruction only and not the killing of a 'creature in being'. (Mason and Laurie)

Key quote

The only absolute in the saga is that 'life' as it is generally understood begins with the formation of the zygote; on this view, the conservative Roman Catholic view represents the only tenable option – the difficulty is that it is also the least practical solution to the question. (Mason and Laurie)

Key quote

Definitions intended for statistical use are not, however, necessarily the same as those to be applied in practice. (Mason and Laurie)

Key quote

... I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about. If I fulfil this oath and do not violate it, may it be granted to me to enjoy life and art, being honoured with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot. (Hippocratic Oath – Classical version)

quickfire

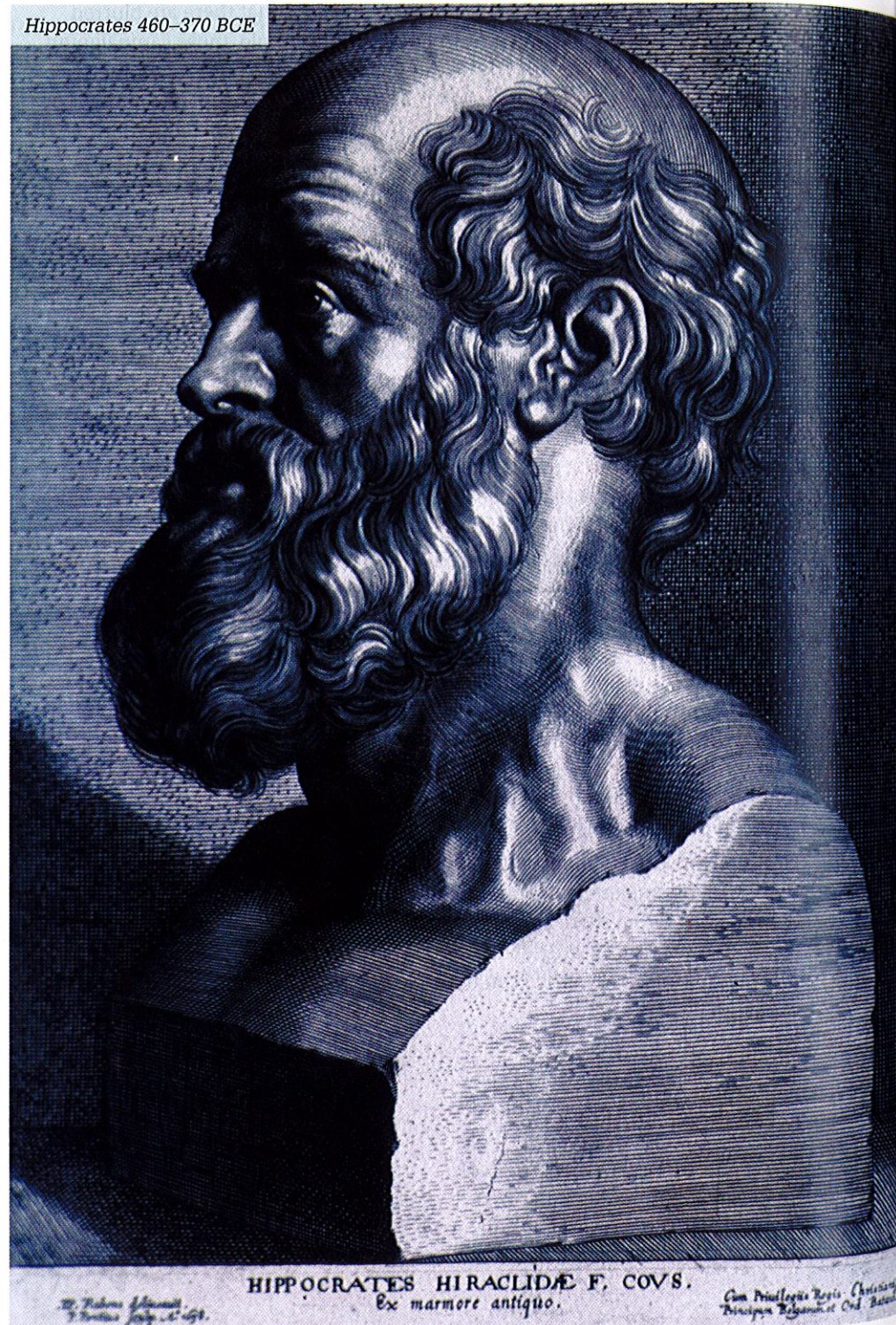
2.13 Identify two key areas of discussion from the biological debates concerning the beginning of human life.

One final consideration is that there is a clear disparity in the development of individuals. During life, although there are broad timescales at which people mature, develop and grow, there is, by the very nature of individuality, a blurring of the exact moment one moves from adolescence to adulthood, from childhood through puberty and so forth. Why are the early stages of development any different?

AO1 Activity

Find out how the Hippocratic Oath has been modified for doctors today and explain why.

Hippocrates 460–370 BCE



The application of Natural Law to the issue of abortion

For those who accept Aquinas' doctrine of Natural Law and seek to apply this to the issue of abortion, believe that the key primary precept involved here is that of preserving innocent life. Hence the act of abortion is seen as inherently evil because of the intentional and direct killing of an innocent human being. This would apply to all situations including the cases of rape or incest.

The debate, however, will then focus on when a foetus can be considered as a person. Opinions vary between regarding it as the moment of conception or choosing the time of the appearance of a certain feature, such as neural activity. This is where there could be some debate.

Study tip

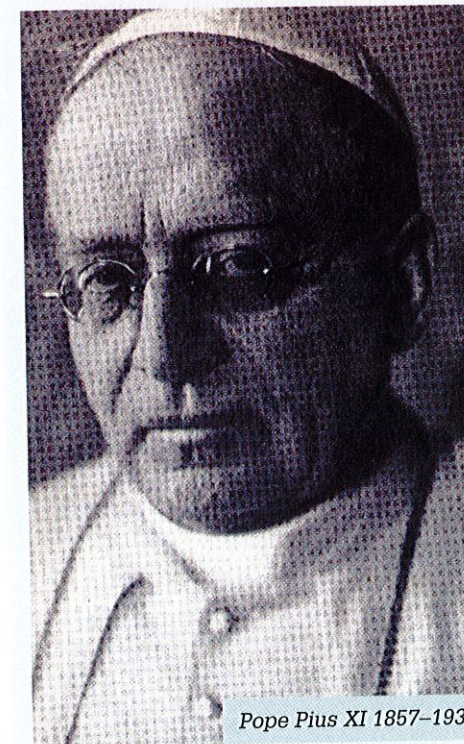
Being able to make accurate reference to sacred texts, and/or sources of wisdom where appropriate is vital if you wish to gain a high level in your answer. However, make sure that the quotations that you use are relevant to the point that you are making in your answer.

There is another approach that could, however, be taken. Professor of Ethics, Howard Kainz has argued that in the case of abortion, two other precepts are perhaps even more relevant to the issue of abortion than the 'preservation of life principle', that of the right to procreation and the right to nurture offspring. He argues that in the case of abortion there are those who defend the right of the woman if her life is in danger: 'Those who apply the first precept often make an exception for situations threatening the life of the mother, since there is a conflict between two rights to life.' However, for Kainz, this opens up another area of debate regarding rape in that 'if every woman has a right to conceive and procreate, and if this right implies that she has a right to make that choice voluntarily, no more obvious infractions of that right than rape and incest can be contemplated'. In other words, if one uses a principle of exception for the first precept, then one has to admit the possibility that there could be exceptions in applying the two precepts of right to procreation and nurturing offspring. Just as one has a right to preserve one's life, one also has an equal right to preserve one's choice to procreate. Rape clearly violates this choice. Indeed, it is then a question of conflicting principles that exist within the primary precepts as they stand. This would then obviously open up the debate or real and apparent goods but still raise more questions.

Kainz, however, argues that despite all this confusion, a more virtuous approach to rape may be more Christian in terms of the dilemma of abortion. He argues that 'Christian principles may supersede considerations of conflicts of right related to Natural Law' and that a woman who decides to nurture a child after rape or who sacrifices her own life due to a problem pregnancy in order for the child to survive are classic examples of virtuous behaviour that demonstrate 'going the extra mile'. He writes, 'from the standpoint of Natural Law, such decisions would belong in the category of heroic virtue – sacrifices of personal rights that go beyond any normal call to maternal responsibility'.

Specification content

Aquinas' Natural Law: application of the theory. The application of Aquinas' Natural Law to the issue of: abortion.



Key quote

Whether inflicted upon the mother or upon the child, [abortion] is against the precept of God and the law of nature: 'Thou shalt not kill'. (Pope Pius XI)

Key quote

On the other hand, it should be recognised that application of the second precept may change our perspective on some of the common exceptions many are willing to allow regarding the prohibition of abortion ... in light of the second precept, a conflict of rights obtains also in the cases of rape and incest. For, if every woman has a right to conceive and procreate, and if this right implies that she has a right to make that choice voluntarily, no more obvious infractions of that right than rape and incest can be contemplated. (Kainz)

Key quotes

When suffering is the result of following an ethical principle then we need to look very carefully at our ethical principle and ask whether we are applying it too inflexibly. (Hope)

The doctor's dilemma is self-evident – is he or she practising truly 'good' medicine in keeping alive a neonate who will be unable to take a place in society or who will be subject to pain and suffering throughout life? (Mason and Laurie)

It is perverse to seek a sense of ethical purity when this is gained at the expense of the suffering of others. (Hope)

Kainz does raise an important issue but also indicates that Natural Law has an obligation to reason, through the art of casuistry, and clearly take into account Christian virtues. However, some would be reluctant to accept that even the virtue of agape (love), the greatest of divine virtues, can be stretched beyond what the primary precepts identify as its key application. Critics may suggest that this is not a true understanding of the application of such virtue.

Key quote

It goes without saying, however, that Christian principles may supersede considerations of conflicts of right related to Natural Law. Deciding to bring a child into the world after a rape, for example, would be in the same category as gospel admonitions to 'go the other mile', 'lend to others without hoping for repayment', 'turn the other cheek,' etc. In situations of problem pregnancies like ectopic gestation, a woman deciding to forfeit her own right to life and her right to nurture and raise her children to bring her child to term would be going even further in 'other miles'. From the standpoint of Natural Law, such decisions would belong in the category of heroic virtue — sacrifices of personal rights that go beyond any normal call to maternal responsibility. (Kainz)

Interestingly enough, the doctrine of double effect, however, does permit the death of the foetus, but only as a by-product of another act. This means that the intention was not to kill the foetus. For instance, in the case of the use of chemotherapy or the performance of a hysterectomy to remove a cancerous uterus, when it would lead to the death of the foetus. However, as that is not the intention of the act, but rather a by-product, the removal of the cancerous uterus is acceptable.

It is quite clear that in its application, Natural Law itself is not as clear as some would suggest and, arguably, how it first appears to present itself.

AO1 Activity

Write a newspaper column response as a Roman Catholic follower of Natural Law to a woman who has been considering an abortion giving clear reasons for your advice.

The issues arising from euthanasia

The issue of **euthanasia** is equally as complex as abortion and for similar reasons. The context is the end, as opposed to the beginning, of life, yet some of the principles are the same. Certainly, the ethical issues identified progress under similar headings.

The first problem involves the technical difficulties surrounding the different definitions and types of euthanasia. There is a clear disparity in law both between countries and the ways in which legislation is applied.

The meaning of the word derives from the Greek eu thanatos, interpretations of which include good, easy, gentle (eu) and death (thanatos). The key idea goes beyond the mere descriptive term and encompasses an idea of a death that is beneficial for the party involved. Tony Hope, Professor for Medical Ethics at the University of Oxford and author of a key text for student doctors, *Medical Ethics and Law: The Core Curriculum*, offers the distinctions between different types of euthanasia. Here we are interested in voluntary euthanasia, sometimes referred

to in its more narrow application as physician-assisted suicide. Hope identifies the following:

- Euthanasia: one person kills another with intention or allows another's death for the other's benefit.
- Active euthanasia: one person actions another's death for the other's benefit
- Voluntary: the request to die by the person who competently wishes it so.

Voluntary euthanasia is therefore also known as active euthanasia.

The history of the legal status of voluntary euthanasia reflects many of the issues that arise when considering whether any proposed change in law may actually 'work'.

In 1961 suicide was decriminalised. Despite this, the Suicide Act 1961 was very explicit that to aid or assist suicide in any way was still a crime.

As with the debate surrounding abortion, there are two central principles at stake. The first is whether or not killing should be allowed in any circumstances. The second relates to the value that is given to life in respect of issues such as sanctity or quality, whether for religious, ethical or philosophical reasons.

In the consideration of abortion, the second area for debate was the point at which it could be said that life actually begins. The problems associated with establishing the start of a life could be deemed similar to those related to the end of life.

Generally, a physical end of life can be determined medically. However, for a person in a coma, for example, who is kept alive artificially and yet still demonstrates signs of consciousness, the issue is problematic. Such a situation again calls into question the definition of life and even whether a physical definition suffices. This is a key question in the euthanasia debate.

Related to this issue are also the philosophical questions about quality of life. Is there a point at which one can conclude that life has lost its value? If so, exactly when should this be and who is going to decide?

There is also the issue of the patient refusing to accept treatment, which is allowed by law, even where refusal may result in harm to themselves. The only exception would be if they were determined not to have the mental capacity or competency to make such a decision.

This mainly refers to those who are dying. They have the right not to prolong their life, by refusing treatment. They do not have the right, however, to hasten an end to their life by administering a different course of medication. Does this pose a contradiction? If a person refuses treatment to prolong life then have they shortened their life? How, in principle, is this different from shortening life in another way? Thus, humans have the legal right to the opportunity to extend life but not to shorten it. Where death is inevitable, humans can only stave it off and are not allowed to welcome it.

There appears to be an uncomfortable inconsistency here. Consciously refusing treatment, knowing that the consequence is death, is seen as acceptable. Consciously willing medication of which the consequence is also death, only sooner and with less pain, is unacceptable. It is this delicate dilemma – if, indeed, it is one – that is at the very heart of the euthanasia debate: namely, just how far should a person's individual rights extend over their own body, fate and destiny?

Ethically, perhaps people should have a duty to prevent the prolonged and meaningless suffering of others. In addition, consideration should be given to the impact that a prolonged and painful death may have on others, such as close family and friends.

quickfire

2.14 What is voluntary euthanasia?

quickfire

2.15 When was suicide decriminalised?

Key quote

Patients have the right to decide how much weight to attach to the benefits, burdens, risks and the overall acceptability of any treatment. They have the right to refuse treatment even where refusal may result in harm to themselves or in their own death, and doctors are legally bound to respect their decision. (General Medical Council)

Arguments against the introduction of a law that allows euthanasia point to the very real risk of abuse:

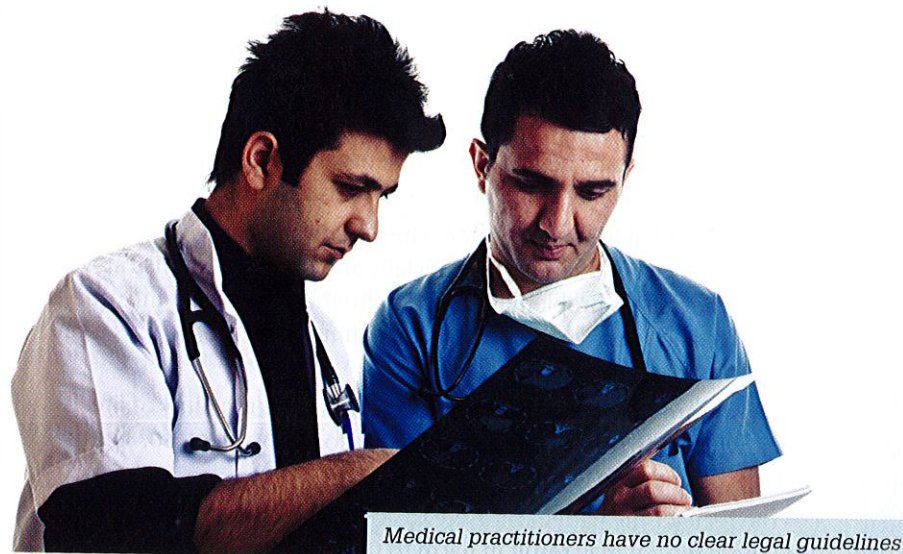
- How could such a law be effectively monitored?
- Would it be in the best interests of society as a whole?
- Would it be a workable law?
- Further, does euthanasia go against the Hippocratic Oath?
- Is it interfering with the natural or divinely ordained course of events?

For medical practitioners there is no clear legal guideline other than advice given by such bodies as the British Medical Association in 2001 or the Royal College of Paediatrics and Child Health. However, such guidelines are very vague with respect to active intervention and the withholding of curative medical treatment. Even doctors are unsure and clearly vulnerable, both legally and ethically.

Key quote

A patient's condition may improve unexpectedly, or may not progress as anticipated, or their views about the benefits, burdens and risks of treatment may change over time. You should make sure that there are clear arrangements in place to review decisions.

(General Medical Council)



AO1 Activity

As a doctor write down the concerns that you may have if you were to be involved with someone that was terminally ill and was considering euthanasia.

The application of Aquinas' Natural Law to the issue of: voluntary euthanasia

The primary precept of preserving innocent life is also the key principle when faced with the issue of euthanasia. It is often expressed in terms of 'the sanctity of life' argument. Sanctity means 'the quality of being sacred or holy'. Natural Law teaches that there is something special about a human being that is above and beyond that of animals. Therefore it should be protected. The taking of another's life, even if they request it, is not therefore morally acceptable. By the same argument, the taking of one's own life (suicide) is equally an immoral act.

The Catechism of the Catholic Church defines euthanasia as 'an act or omission which, of itself or by intention, causes the death of handicapped, sick, or dying persons – sometimes with an attempt to justify the act as a means of eliminating suffering.'

This would be the objection of Natural Law to an approach that suggests casuistry and a consideration of virtues or of ends is subordinate to the application of primary precepts. It also suggests that there are dangers in what may be considered virtuous and entitled 'mercy' killing, is really an apparent good only.

However, there are some instances of uncertainty in the application of even the first precept. As Professor Ian Harriss has argued, in a paper on euthanasia and applied ethics in 2005, there are still some questionable applications of the first precept that exist today in the name of Natural Law. He writes, 'In Spain, where the Catholic faith and Natural Law have exerted a strong influence on policy, an intervention with the direct intention of either accelerating death or killing the patient is considered morally wrong, but the heavy use of sedation implies that unconsciousness, either disease-induced, or drug-induced, is generally perceived as the best way out.'

Although administering drugs to end a life is unacceptable, it could be argued that it is morally acceptable, under Natural Law, to give a large dose of morphine to control the pain of a terminally ill patient, even if it was foreseen that the morphine would shorten the patient's life. Whatever the consequences, the intention was not to kill the person, but to bring relief to their pain. This is the application of the principle of double effect.

However, again, in response to this application of Natural Law, Harriss writes, 'Natural Law theory is inherently hostile to utilitarian arguments, and this is seen to full effect in the assertion that there is a 'slippery slope' that must be avoided at all costs. In its concession to the doctrine of double effect, however, Natural Law theory is compromised by a latent concession to Utilitarianism.' Is the application of double effect therefore a true absolutist application of Natural Law?

Obviously there are other applications of Natural Law to consider such as whether legalising voluntary euthanasia would challenge the precept of living in an ordered society? Would allowing mass voluntary euthanasia disrupt society? In addition, one could also consider each of the precepts in conjunction with an understanding of how correct reasoning is applied and also use of the moral virtues. In conclusion, the application of Natural Law, in light of its complexity – let alone the complexity of the issues surrounding both abortion and voluntary euthanasia – could mean that any attempt to apply it may not always be considered to be the definitive model.

AO1 Activity

An **acrostic** is a form of writing in which the first letter of each line spells out a word. Using the words 'Natural Law', aim to write out **ten** points which you feel you could use in an answer on Natural Law and voluntary euthanasia.

Study tip

There are many examples of specialist language and vocabulary in this topic. Make sure that you don't get confused by the different terms which are used to describe the key words associated with euthanasia. Your ability to use the terms accurately in an examination answer would distinguish a high level answer from one that is simply a general response.

Key quote

Casuistry typically uses general principles in reasoning analogically from clear-cut cases, called paradigms, to vexing cases. Similar cases are treated similarly. In this way, casuistry resembles legal reasoning. Casuistry may also use authoritative writings relevant to a particular case.

(Encyclopaedia Britannica)

Key skills

Knowledge involves:

Selection of a range of (thorough) accurate and relevant information that is directly related to the specific demands of the question.

This means you choose the correct information relevant to the question set NOT the topic area. You will have to think and focus on selecting key information and NOT writing everything you know about the topic area.

Understanding involves:

Explanation that is extensive, demonstrating depth and/or breadth with excellent use of evidence and examples including (where appropriate) thorough and accurate supporting use of sacred texts, sources of wisdom and specialist language.

This means that you demonstrate that you understand something by being able to illustrate and expand your points through examples/supporting evidence in a personal way and NOT repeat chunks from a text book (known as rote learning).

Further application of skills:

Go through the topic areas in this section and create some bullet lists of key points from key areas. For each one, provide further elaboration and explanation through the use of evidence and examples.

AO1 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO1.

Assessment objective 1 (AO1) involves demonstrating knowledge and understanding. The terms 'knowledge' and 'understanding' are obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO1).

- **Your new task is this:** below is a fairly strong answer, although not perfect, that has been written in response to a question requiring an examination of the application of Natural Law to abortion. Using the band level descriptors you can compare this with the relevant higher bands and the descriptions inside those bands. It is obviously a fairly strong answer and so would not be in bands 5, 1 or 2. In order to do this it will be useful to consider what is both strong and weak about the answer and therefore what needs developing.

In analysing the answer, in a group, identify three ways to make this answer a better one. You may have more than three observations and indeed suggestions to make it a perfect answer!

Answer

Natural Law has its origins in Aristotle and there has been a significant development of this with Thomas Aquinas to make it a religious system for ethics. Natural Law is absolutist in the sense that there is great focus on the primary precepts in line with the view that God created everything for a purpose.

Natural Law stresses the importance of using human reason to establish what the precepts are but it does not end there. Reason is also then used to apply these precepts to moral issues. It is here where people sometimes disagree.

As Natural Law supports the sanctity of life and the Roman Catholic view about when life begins tends to be ensoulment, then, the conclusion is that personhood and a right to life is applied at this stage in the development of the foetus. Therefore, when the primary precepts are applied to abortion, the act of abortion is considered wrong as it goes against the primary precept of protection of the life of the innocent but also the precept of reproduction.

However, there is also the principle of double effect that would justify abortion under certain conditions, such as when two of the precepts conflict. Some have suggested that this principle is unsound and also has inconsistencies.

Some may argue that Natural Law also should consider the virtues when approaching the issue of abortion; however, what is clear is that Natural Law would not consider the people involved or their emotions because they would feel that in doing so they are not able to make a clear and rational response.

Issues for analysis and evaluation

The effectiveness of Natural Law in dealing with ethical issues

The main argument that would be presented here in supporting Natural Law in dealing with ethical issues is that it is viewed by its proponents as universally applicable. For the followers of Natural Law, the rules apply to all people at all times and in all places and so therefore is an effective way of dealing with ethical issues.

For example, followers of Natural Law would argue that it provides clear-cut rules when approaching ethical issues, such as the view that abortion is wrong as it breaks the primary precept to reproduce. Nothing could be more straightforward.

Another strength of Natural Law in dealing with ethical issues is that it can be deduced by reason alone and does not rely on unpredictable consequences or emotions. This is very much in line with the way the human law operates so that it is rational and not emotionally driven in order to promote overall justice and order in society, another of the primary precepts.

For a religious person, the theory of Natural Law creates a link between the creator, the creation and our purpose as human beings. This brings an ethical system that is coherent and consistent overall.

However, it is not as simple as the above arguments may suggest and some would say that Natural Law, in dealing with ethical issues, is ineffective and is no longer of use today in the light of social and ethical changes and an appreciation of the complexity of both contemporary ethical issues, and, in the face of refined and progressive human laws. In short they would suggest that Natural Law is outdated as society has changed.

The first point in case would be issues of human rights. Discrimination against sexual orientation is not allowed in law. This is clearly not the case with Natural Law on a range of specific issues to do with sexuality.

Natural Law also fails to consider the situation people find themselves in when applying the primary precepts. For example, it does not allow abortion even in the case of rape. Even Roman Catholic thinkers such as Kainz have argued that the principle of double effect is at best unstable and at worst contradictory and inconsistent.

It could be argued that Natural Law, in dealing with ethical issues, is inflexible and fails to consider the consequences of so called 'right' actions. Euthanasia is not allowed, but this could lead to greater pain for the person involved and their family. On its own terms, a consideration of real and apparent goods in relation to intentions needs to be tested against the cold application of a single ruling.

Finally, some would argue that basing decisions is not necessarily a bad thing if that emotion is based in love and concern for others, as these principles can often guide ethical decisions. For example, a mother would not act rationally, but often emotionally, when dealing with an incident involving her child.

In conclusion, there is much debate about the effectiveness of Natural Law in dealing with ethical issues; however, although final agreement on the statement will never be universal, this does not mean that it cannot be effective. To be more effective, however, perhaps a more critical and systematic analysis of its principles and application needs to be considered?

This section covers AO2 content and skills

Specification content

The effectiveness of Natural Law in dealing with ethical issues.

AO2 Activity Possible lines of argument

Listed below are some conclusions that could be drawn from the AO2 reasoning in the accompanying text:

1. Natural Law, in dealing with ethical issues, is ineffective and is no longer of use today in the light of social and ethical changes.
2. Natural Law, in dealing with ethical issues, is ineffective as it does not account for the complexities of modern law or ethical issues.
3. Natural Law, in dealing with ethical issues, is effective because it is clear and consistent.
4. Natural Law, in dealing with ethical issues, is effective on the whole, although there are times when it needs applying very carefully.
5. Natural Law, in dealing with ethical issues, is ineffective because it is itself inconsistent.

Consider each of the conclusions drawn above and collect evidence and examples to support each argument from the AO1 and AO2 material studied in this section. Select one conclusion that you think is most convincing and explain why it is so. Now contrast this with the weakest conclusion in the list, justifying your argument with clear reasoning and evidence.

Specification content

The extent to which Natural Law is meaningless without a belief in a creator God.

AO2 Activity Possible lines of argument

Listed below are some conclusions that could be drawn from the AO2 reasoning in the accompanying text:

1. Natural Law is meaningless without a belief in a creator God as Aquinas' version completes the theory.
2. Natural Law can be meaningful without a belief in a creator God because it is based on philosophical principles, as with Aristotle, rather than religious belief.
3. Natural Law is more meaningful with the belief in a creator God.
4. Natural Law is never meaningless because it can operate with or without a creator God.
5. Natural Law is not meaningless without a belief in a creator God as John Finnis, a Roman Catholic himself, has demonstrated, but this does not mean that it cannot be linked to a creator God.

Consider each of the conclusions drawn above and collect evidence and examples to support each argument from the AO1 and AO2 material studied in this section. Select one conclusion that you think is most convincing and explain why it is so. Now contrast this with the weakest conclusion in the list, justifying your argument with clear reasoning and evidence.

The extent to which Natural Law is meaningless without a belief in a creator God

Aquinas embraced the principles established by Aristotle and clearly developed them into a coherent religious philosophy. For Aquinas, God made the world and established within it a sense of order and purpose which reflects God's will. The idea of an overall creator, then, for Aquinas is integral to Natural Law. His theory rests upon this and develops from it.

For example, it is believed that it should be the goal of every human to return to God and gain eternal life, the beatific vision. In terms of ethical behaviour and human laws, God creates all that exists, including eternal law, which is revealed in divine law found in religious scriptures and teachings. These revelations are then used to shape ethical behaviour and human laws. For example, there are examples of these in the absolutist laws contained within scriptures such as in the Ten Commandments. Again, the primary precepts reflect the main purposes for humankind as outlined in religious scriptures, and the ideas of real and apparent goods, together with an encouragement of virtuous behaviour, are clearly consistent with the teachings of Jesus.

As it is the basis of Roman Catholic theology then religious believers would agree that Natural Law is meaningless without a belief in a creator God.

There is always a counter-argument, however, and many would disagree totally with Aquinas and the Roman Catholic Church.

Two key points that could be put forward to challenge the view that Natural Law is meaningless without a belief in a creator God can be presented by looking at two key figures in the history of Natural Law theory. The first is Aristotle, whose system may be seen to be in line with the idea of a creator God; however, the idea of Prime Mover is so distant from the idea of a creator God found in Christianity that it is sufficient to challenge the statement. Aristotle's Prime Mover is a philosophical principle as opposed to the active, interventionist God found in Christianity. The second individual is John Finnis, who himself is a Roman Catholic and yet Finnis has shown that a Natural Law system can be totally independent of God as humans make their own decisions and the law is autonomous and independent of religion. In such a way it can be argued that it is not true that Natural Law is meaningless without a belief in a creator God.

In conclusion, it appears that Natural Law can operate as a system independent of a creator God and can be meaningful. However, it all really depends upon perspective as some religious believers would disagree. Nonetheless, it could be suggested that even if it were dependent on a creator God, then, it will still have meaning without God because Natural Law applies at all levels, from eternal to human, and in this life, as Aquinas himself said, we could not achieve perfection here on earth. So Natural Law, even from a religious perspective could never be meaningless in itself. Nonetheless, the real issue is whether or not it has deeper meaning or more meaning with a creator God and for religious followers of Natural Law this is clearly the case.

AO2 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO2.

Assessment objective 2 (AO2) involves 'analysis' and 'evaluation'. The terms may be obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO2).

Obviously an answer is placed within an appropriate band descriptor depending upon how well the answer performs, ranging from excellent, good, satisfactory, basic/limited to very limited.

- **Your task is this:** below is a reasonable answer, although not perfect, that has been written in response to a question requiring an evaluation of the effectiveness of Natural Law in its application to abortion. Using the band level descriptors you can compare this with the relevant higher bands and the descriptions inside those bands. It is obviously a reasonable answer and so would not be in bands 5, 1 or 2. In order to do this it will be useful to consider what is both strong and weak about the answer and therefore what needs developing.

In analysing the answer, in a group, identify three ways to make this answer a better one. You may have more than three observations and indeed suggestions to make it a perfect answer!

Answer

On the one hand, those who accept Aquinas' doctrine of Natural Law and seek to apply this to the issue of abortion, believe that the key primary precept involved here is that of preserving innocent life. Therefore the act of abortion is seen as wrong because of the intentional killing of an innocent human being. For others, this is far too absolutist and simplistic an application and does not consider all circumstances.

Then there is the exception of double effect in Natural Law. The doctrine of double-effect does permit the death of the foetus, but only as a by-product of another act. This means that the intention was not to kill the foetus.

There is another approach; for example, a professor of ethics has argued that in the case of abortion, two other precepts are perhaps even more relevant to the issue of abortion, that of procreation and nurturing offspring. He argues if you defend the right of the woman if her life is in danger for abortion, then, in the same way if every woman has a right to conceive and procreate, rape violates this right and so maybe abortion can be justified in the case of rape. In other words, if one uses a principle of exception for the first precept, then you have to be consistent in applying it to other precepts. Not all Roman Catholics may accept this but critics of Natural Law would agree with the apparent inconsistency.

Overall, I think there are problems in applying Natural Law to abortion but this does not mean it is ineffective. It does, however, question how far Natural Law is consistent.

Key skills

Analysis involves identifying issues raised by the materials in the AO1, together with those identified in the AO2 section, and presents sustained and clear views, either of scholars or from a personal perspective ready for evaluation.

This means that it picks out key things to debate and the lines of argument presented by others or a personal point of view.

Evaluation involves considering the various implications of the issues raised based upon the evidence gleaned from analysis and provides an extensive detailed argument with a clear conclusion.

This means that the answer weighs up the various and different lines of argument analysed through individual commentary and response and arrives at a conclusion through a clear process of reasoning.