

05 Theme E: religion, crime and punishment

Qu	Part	Marking guidance	Total marks
05	1	<p>Which one of the following expresses the religious idea that one aim of punishment should be to encourage people not to commit any more crimes?</p> <p>A Reformation. B Protection. C Deterrence. D Reparation.</p> <p>Target: AO1:1 Demonstrate knowledge and understanding of religion and belief, including beliefs, practices and sources of authority.</p> <p>Answer: C Deterrence.</p>	1
05	2	<p>Give two examples of religious moral laws which some criminals break.</p> <p>Target: AO1:1 Demonstrate knowledge and understanding of religion and belief, including beliefs, practices and sources of authority.</p> <p>One mark for each of two correct points.</p> <p>Any of the Ten commandments or 5 moral precepts of Buddhism for example, including do not steal/murder/commit adultery/lie/drink alcohol.</p>	2

05	3	<p>Explain two contrasting beliefs in contemporary British society about the death penalty for murder.</p> <p>In your answer you should refer to the main religious tradition of Great Britain and one or more other religious traditions.</p> <p>Target: AO1:3 Demonstrate knowledge and understanding of religion and belief, including similarities and differences within and/or between religions and beliefs</p> <p>First belief Simple explanation of a relevant and accurate belief – 1 mark Detailed explanation of a relevant and accurate belief – 2 marks</p> <p>Second belief Simple explanation of a relevant and accurate belief – 1 mark Detailed explanation of a relevant and accurate belief – 2 marks</p> <p>Students may include some of the following points, but all other relevant points must be credited:</p> <p>Buddhism Buddhist teachings oppose the death penalty/the first moral precept is: I undertake to avoid harming another life/'All living things fear being put to death. Putting oneself in the place of the other, let no one kill nor cause another to kill' (Dhammapada 129)/the death penalty contravenes the principles of loving kindness (metta) and compassion (karuna)/the story of Angulimala shows that reformation is always possible, and this might lead to the offender making a positive contribution to society/violence towards others incurs negative kamma (karma)/'Criminals, people who commit crimes, usually society rejects these people. They are also part of our society. Give them some form of punishment to say they were wrong, but show them they are part of society and can change. Show them compassion' (Dalai Lama).</p> <p>Christianity Many denominations oppose the death penalty/Jesus replaced the concept of 'an eye for an eye' with 'turn the other cheek' (Matthew 5:38–39)/when asked for his opinion on a particular case, Jesus said, 'If anyone of you is without sin, let him be the first to throw a stone' (John 8:7)'/do not be overcome by evil; but overcome evil with good' (Romans 12:21)'/I am passionately opposed to the death penalty for anyone...I think, myself, that it is an obscenity' Desmond Tutu)/the Catechism of the Catholic Church permits the death penalty only if an absolute necessity, but thinks that other options for punishment make such cases 'very rare, if not practically non-existent'/some Christians think that 'an eye for an eye' should apply to murder.</p> <p>Hinduism No official view/the principle of ahimsa means it is wrong to cause harm to living things/'If you want to see the brave, look at those who can forgive. If you want to see the heroic, look at those who can love them in return for hatred' (Bhagavadgita) implies that the death penalty is wrong/a discussion in the Mahabharata implies that because the death</p>	4
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	<p>penalty creates suffering for the family of the executed person, it is excessive and harms the innocent/'any attempt to remedy the harm done by the taking of one life through taking another life encourages bad — indeed dangerous — moral reasoning' (Dr. Amartya Sen) some Hindus agree with the death penalty for serious crimes/'great criminals should all be put to death' (Vishnu Smriti).</p> <p>Islam Several Qur'anic texts support the use of the death penalty/essential for justice to be done/'Take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you, that ye may learn wisdom.' (Qur'an 6:151)/'If any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people' (Qur'an 5:33)/according to the Qur'an, the victim's family can insist on the death penalty or in an act of mercy, accept monetary compensation and some UK Muslims would see this as an argument against the death penalty/'O ye who believe! the law of equality is prescribed to you in cases of murder... But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude, this is a concession and a Mercy from your Lord.' (Qur'an 2:178)/'If somebody kills my brother, then I should not go about killing him, but demand compensation – and even in that matter I shouldn't exceed bounds, but demand only what is just and according to status and circumstances' (Kashif Shahzada).</p> <p>Judaism The Torah prescribes the death penalty for murder/seen as justice and essential to the preservation of the community/'Life for life, eye for eye, tooth for tooth ...' (Exodus 21:23–24)/'A man who spills human blood, his own blood shall be spilled by man because God made man in His own image.' (Genesis 9:6)/its deterrent value was a matter of great debate among 1st and 2nd century rabbis: Rabbi Tarfon and Rabbi Akiva say, 'If we had been among the Sanhedrin, no one would ever have been executed.' Rabbi Simon ben Gamaliel responds, 'Such an attitude would increase bloodshed in Israel.'/Judaism sets so many conditions to be met for the death penalty to be given that sentencing a person to death is virtually impossible/this reflects concern that a mistake might be made/many British Jews would agree with this modern statement: 'While traditional Judaism clearly contemplates and condones the death penalty as the ultimate sanction within a legitimate legal system, Judaism simultaneously insists that capital punishment be administered by a process that ensures accuracy as well as justice; our valuing of human life as infinite demands no less' (Union of Orthodox Jewish Congregations).</p> <p>Sikhism Most Sikhs are opposed to the death penalty/it goes against beliefs about the status and dignity of human beings/'When an affair passes beyond all remedy, it is lawful to draw the sword' (Guru Gobind Singh) interpreted by Lord Indarjit Singh as opposing the death penalty/'It follows from this that killing is justified under certain circumstances. That is, it is justified when fighting in the heat of combat ...executing a prisoner, on the other hand, is without excuse, and would be killing in cold blood'/justice and protection are important but can be achieved in</p>	
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05	4	<p>Explain two religious beliefs about breaking the law in order to get a bad law changed.</p> <p>Refer to sacred writings or another source of religious belief and teaching in your answer.</p> <p>Target: AO1:1 Demonstrate knowledge and understanding of religion and belief, including beliefs, practices and sources of authority.</p> <p>First belief Simple explanation of a relevant and accurate teaching – 1 mark Detailed explanation of a relevant and accurate teaching – 2 marks</p> <p>Second belief Simple explanation of a relevant and accurate teaching – 1 mark Detailed explanation of a relevant and accurate teaching – 2 marks</p> <p>Relevant and accurate reference to scripture or sacred writing – 1 mark</p> <p>Students may include some of the following points, but all other relevant points must be credited: Many religious believers would argue that breaking the law if it contradicts religious teaching is justified/for example, breaking a law that discriminates against different races when religion teaches that all races are equal/protest including violent protest, raises similar issues/if a repressive government denies its people their human rights as laid down in scripture and makes public demonstrations of opposition illegal, then many religious believers might consider breaking the law/ and be prepared, as citizens of the state, to face the consequences that would follow.</p> <p>Buddhism Right Speech and Right Action might justify breaking the law and protesting/engaged Buddhism might support non-violent actions that broke the law/'have the courage to speak out about situations of injustice, even when doing so may threaten your own safety' (Venerable Thich Nhat Hanh)/but the 1st moral precept and Right Action mean that any use of violence is wrong/many Buddhists have been involved in protesting against unjust regimes/'hatred will not cease by hatred, but by love alone. This is the ancient law' (The Dalai Lama)/ some Tibetan Buddhists support the use of violent protest as a last resort.</p> <p>Christianity Romans 13:1–7 requires Christians to obey the laws of the land because God has given them the authority to do so/however Acts 5:27–27 shows that when a government law is against the law of God, it may (and possibly should) be broken/following the teaching of Jesus in Mark 12:15, Christians accept their duty of obedience both to the state and to God/but God is the priority/in the 20th century, some Christians refused to pay a tax that they saw as morally wrong and went to prison as a result/most Christians would not accept violent protest because it shows a lack of love and respect for others/Martin Luther King and his supporters broke the law non-violently.</p>	5
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	<p>Hinduism Gandhi led a movement of civil disobedience against British rule in India/satyagraha was the name for his policy of passive resistance/'he who resorts to civil disobedience obeys the laws of the state to which he belongs, not out of fear of sanctions, but because he considers them to be good for the welfare of society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience to them a dishonour. He then openly and civilly breaks them and quietly suffers the penalty for their breach' (Gandhi)/compassion, tolerance, the desire for justice and the virtue of serving others justify breaking the law in protest against oppression or injustice/the doctrine of ahimsa means that violent forms of protest are wrong/the use of violence to get bad laws removed is contrary to the spirit of detachment that is at the heart of Hinduism/will generate negative karma.</p> <p>Islam The name Islam means 'peace'/Muslims are committed to obedience to the law unless it promotes injustice, threatens Islam etc/Muslims have a duty to protest against repressive and immoral laws or governments/it may be part of the Greater Jihad to do so/'The prophet was asked what kind of jihad is better. He replied, "A word of truth in front of an oppressive ruler." (Sunnah)/violence in protest is only justified if in self-defence/though some Muslims would regard it as acceptable as a last resort, if everything else had failed to remove the injustice or the threat to the faith.</p> <p>Judaism The Tenakh contains many examples of protest against repression and injustice/the refusal of the midwives to carry out the order to kill all newborn Hebrew males (Exodus 1) has been described as the first act of civil disobedience/the person who breaks the law in protest must be prepared to face the consequences/in the 2nd century BCE many Jews died when they disobeyed the Syrian king's ban on religious practices/'whoever can protest and does not, is accountable to his household, his community and the whole world' (rabbinic teaching)/many Jews in modern times protest against injustice/the emphasis in religious teachings is on non-violence.</p> <p>Sikhism Sewa is central to the Sikh way of life so when people are persecuted or suffering other injustice, Sikhs should take action/'a Sikh is not to renounce the world like a deserter on the battlefield of life, but he is to fight...evil while living in the world like a lotus in the pond' (Handbook of Sikh Theology)/this might support protest and breaking the law where religion and religious principles are threatened/but the virtues of compassion and love would discourage violence/some Sikhs, however, might view their religion as a warrior faith and might fight physically for justice and equality.</p>	
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05	5	<p>‘Corporal punishment can never be justified.’</p> <p>Evaluate this statement.</p> <p>In your answer you:</p> <ul style="list-style-type: none"> • should give reasoned arguments in support of this statement • should give reasoned arguments to support a different point of view • should refer to religious arguments • may refer to non-religious arguments • should reach a justified conclusion. <p>Target: AO2 Analyse and evaluate aspects of religion and belief, including significance and influence.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Levels</th> <th style="text-align: center;">Criteria</th> <th style="text-align: center;">Marks</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">4</td> <td> A well-argued response, reasoned consideration of different points of view. Logical chains of reasoning leading to judgement(s) supported by knowledge and understanding of relevant evidence and information. References to religion applied to the issue. </td> <td style="text-align: center;">10–12</td> </tr> <tr> <td style="text-align: center;">3</td> <td> Reasoned consideration of different points of view. Logical chains of reasoning that draw on knowledge and understanding of relevant evidence and information. Clear reference to religion. </td> <td style="text-align: center;">7–9</td> </tr> <tr> <td style="text-align: center;">2</td> <td> Reasoned consideration of a point of view. A logical chain of reasoning drawing on knowledge and understanding of relevant evidence and information. OR Recognition of different points of view, each supported by relevant reasons/evidence. Maximum of Level 2 if there is no reference to religion. </td> <td style="text-align: center;">4–6</td> </tr> <tr> <td style="text-align: center;">1</td> <td>Point of view with reason(s) stated in support.</td> <td style="text-align: center;">1–3</td> </tr> <tr> <td style="text-align: center;">0</td> <td>Nothing worthy of credit.</td> <td style="text-align: center;">0</td> </tr> </tbody> </table> <p>Students may include some of the following evidence and arguments, but all relevant evidence and arguments must be credited:</p> <p>Arguments in support</p> <ul style="list-style-type: none"> • it destroys the innate dignity of human beings that is given to them by God • many atheists and humanists, as well as religious believers, would claim that it creates a society in which violence is not only accepted 	Levels	Criteria	Marks	4	A well-argued response, reasoned consideration of different points of view. Logical chains of reasoning leading to judgement(s) supported by knowledge and understanding of relevant evidence and information. References to religion applied to the issue.	10–12	3	Reasoned consideration of different points of view. Logical chains of reasoning that draw on knowledge and understanding of relevant evidence and information. Clear reference to religion.	7–9	2	Reasoned consideration of a point of view. A logical chain of reasoning drawing on knowledge and understanding of relevant evidence and information. OR Recognition of different points of view, each supported by relevant reasons/evidence. Maximum of Level 2 if there is no reference to religion.	4–6	1	Point of view with reason(s) stated in support.	1–3	0	Nothing worthy of credit.	0	12
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	<p>but actually encouraged</p> <ul style="list-style-type: none"> • it destroys one of the basic human rights of integrity of the body • it encourages resentment and a desire for revenge against society on the part of the offender • its effects on the person carrying out the punishment are negative/it desensitises the person and encourages a lack of compassion • utilitarians (eg Mill) who focus on the individual as well as society and on the quality of the pleasure could never justify it. <p>Arguments in support of other views</p> <ul style="list-style-type: none"> • corporal punishment is a cheap way of punishing effectively • it is quickly administered/allows the convicted person to resume a normal life speedily • depending on the form of the punishment, it could have no long-term negative effects/only the criminal suffers, not the rest of society which has to pay heavy taxes to maintain prisons etc • the principle of utility might be used to argue that if harsh punishment of one person deterred countless others and so protected society from future harm, it could be justified. <p>Buddhism The first moral precept is opposed to corporal punishment/wrong to inflict harm and suffering on any living creature/it shows a lack of compassion (karuna) and loving kindness (metta)/the Buddha taught that no action can be counted as good if it causes mental or physical pain to another/'who, though innocent, suffers insults, stripes and chains, whose weapons are endurance and soul-force – him I call a Brahmin' (Dhammapada 399).</p> <p>Christianity Most are opposed to the Old Testament teaching of 'spare the rod and spoil the child' (Proverbs 13:24)/does not reflect Christian love/'those who live by the sword die by the sword' (Matthew 26:52) points to the negative effects of violence/rejection by many of retribution as a valid aim of punishment/a minority of fundamentalist Christians might see corporal punishment as justified by Old Testament teachings.</p> <p>Hinduism The principle of ahimsa means that corporal punishment is wrong/no living creature to be harmed/Gandhi stated that the principle of an eye for an eye makes the whole world blind/so the effects of corporal punishment are negative and counter-productive/just intensifies the violence/some Hindus might accept it on the basis of the laws of Manu/ 'if a man raises his hand or a stick, he should have his hand cut off; if in anger, he strikes with his foot, he should have his foot cut off' (8:280).</p> <p>Islam Permitted in Shari'ah law/'as to the thief, male or female, cut off his or her hands: a punishment by way of example from Allah' (Surah 5:38)/ flogging in Islamic countries for adultery and drinking or possessing alcohol/intended as a deterrent/punishment in earthly life instead of in afterlife, so can be seen as merciful/some Muslims opposed to it as culturally outdated/too harsh.</p>	
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