

Religion and Ethics Eduqas / WJEC A level Knowledge Organiser:

Theme 2F Deontological Ethics – Finnis' Natural Law and Proportionalism: Application of the Theory

Key concepts:

- **Immigration** is a person moving to live permanently within a foreign country.
- **Finnis' Natural Law** says all people have the right to participate in all the basic goods without **arbitrary preference** for any of them.
- Immigration through seeking **asylum** is good because it enables the person to participate in the **basic good** of life, but this is not the only value.
- There is nothing inherently wrong with immigration in pursuit of *any* of the basic goods, including **play** or **aesthetic experience**.
- The nine requirements of practical reason require a **plan of life**. Immigration can be part of a plan to participate in the goods.
- Finnis rejects uncontrolled immigration over prolonged periods because it risks the **common good** when there is incompatibility of ideas.
- Controlled immigration can be organised by a **legitimate authority** through application or asylum but must not prevent participation in the goods.
- **Proportionalism** is an interpretation of Natural Law, so any laws about immigration established by Natural Law should be obeyed.
- The second part of the Proportionalism maxim – 'unless there is a proportionate reason' – means that sometimes it is right to go against rules.
- Immigration does not require the principle of **proportionate reason (double effect)**. Protecting basic goods means welcoming strangers with compassion.
- **Value maximisation Proportionalists** balance the **pre-moral disvalue** of sharing resources against the **value** of freedom to pursue a life plan and compassion for the vulnerable.

- **Capital Punishment** (CP) is the deliberate taking of life by the state in response to the person's grave criminal activity e.g., murder.
- Aquinas had used Matthew 5:29-30 which says that if part of the body endangers the whole, it should be removed.
- The Catholic church traditionally followed **Thomist** thinking and saw CP by a legitimate authority as **licit**. However, in 2018 the church amended the **catechism** to declare CP inadmissible.
- **Finnis' Natural Law** requires punishment to restore the balance of goods. CP is not the only way to do this.
- There must be no preference for some people or goods over others. An authority cannot kill one for the benefit of the many.
- **Proportionalism** has no consensus about how to apply proportionate reason.
- CP always involves intention to kill, a wilful destruction of a human good so it is always unacceptable and therefore double effect cannot be applicable.
- In Aquinas' example of double effect through killing in self-defence, the killing was spontaneous not planned. CP is killing by design and so it is wrong.
- Value maximisation Proportionalists could weigh up value against disvalue. But the great disvalue of killing outweighs the goods of protecting society and reparation for wrong. Those goods can be achieved through other means.

Key quotes:

'Friendship with at least one other person is a fundamental form of good, is it not?' – John Finnis

'The death penalty is inadmissible because it is an attack on the inviolability and dignity of the person.' – Catechism of the Catholic Church 2267

'If your right hand causes you to sin, cut it off and throw it away; it is better for you to lose one of your members than for your whole body to go into hell' – Matthew 5:30

Issues for analysis and evaluation:

Key arguments/debates

Some argue that Proportionalism is inappropriate for assessing immigration and capital punishment since no double effect can be applied.

Others point out that Finnis' Natural Law gives no clear direction over what to do when individual participation in the goods conflicts with the common good.

Some may argue that Finnis' Natural Law and Proportionalism value the life of a criminal over the well-being of any victims or their families.

Key questions

What should an authority do to manage large volumes of refugees from war zones?

Can Proportionalism ever allow Capital Punishment to protect society?

Are Proportionalism or Finnis' Natural Law a practical way to help people make moral decisions?

Key words:

immigration	arbitrary preference	play	aesthetic experience	asylum
basic good	plan of life	detachment	common good	legitimate authority
proportionate reason	double effect	pre-moral	disvalues	values
capital punishment	Thomist	licit	catechism	