



AQA A2 Law – Unit 4C

Introduction

The concepts of law examination answers can cover a wide range of ideas and many different approaches. There is no 'right answer' to philosophical questions of this type, as you will probably realise from looking at the different views of judges and the debates between academics. For this reason the answer to the first question, on law and morals, is written as a guide for what can be covered in a typical question so you can see the broad range of material that could be used. The other two questions have a shorter guide followed by a middle-range answer. These include guidance on what could be improved in order to reach the higher grades.

Each question is worth 30 marks (15 marks each for A01 and A02) plus an additional 5 marks for the quality of written communication (A03).

Chapter 12: Law and morals

It is wise to take the question in two parts. Part A requires a clear explanation of the characteristics of the two types of rule, with the focus on their relationship. This is mostly descriptive (A01) rather than evaluative. Part B is mostly evaluative (A02), analysing and evaluating the examples in A with reference to the specific question about whether the law should reflect moral values. The theories can be brought into either part. If you use them in the first then you can refer back to them in the second.

An answer could contain several of the following key points, but you won't have time to cover everything. There may be a need to strike a balance between breadth and depth – as long as the answer is not superficial and covers the specific question. A candidate who covers a greater number of theories and/or examples would be expected to do so in less detail.

Key points to include

Part A

- Brief explanation of legal and moral rules:
 - Positivism: law can be based on morality, but it is not necessary that it should be. The validity of a law is not affected by whether it is morally acceptable – **Hart**

Unit 4c Study Guide The Judiciary Answers

Christian Drosten



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