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**THINKING SKILLS**

**9694/43**

Paper 4 Applied Reasoning

**May/June 2017**

**1 hour 30 minutes**

No Additional Materials are required.

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**READ THESE INSTRUCTIONS FIRST**

An answer booklet is provided inside this question paper. You should follow the instructions on the front cover of the answer booklet. If you need additional answer paper ask the invigilator for a continuation booklet.

Answer **all** the questions.

The number of marks is given in brackets [ ] at the end of each question.



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This document consists of **7** printed pages, **1** blank page and **1** insert.

1 Study the information below and answer the questions that follow.

Most Western industrialised countries have abolished use of the death penalty. One notable exception is the US, where it is common practice for condemned prisoners to be held in prison for long periods of time before they are executed; this is known as being on 'Death Row'. Since 1973, 130 people have been released from Death Row throughout the US because of evidence that they had been wrongfully convicted. In 2003 alone, 10 people were released from Death Row. This shows that the death penalty in the US should be abolished.

A newspaper report made the following two claims:

"10 wrongful convictions took place in 2003."

"The 130 people released since 1973 would have been executed if it were not for the emergence of new evidence."

- (a) Briefly explain two reasons why the claim "10 wrongful convictions took place in 2003" cannot be reliably inferred from the statistics given in the passage. [3]
- (b) State two reasons why the claim "The 130 people released since 1973 would have been executed if it were not for the emergence of new evidence" might not be correct. [2]

Questions 2, 3 and 4 refer to Documents 1 to 5.

- 2 Briefly analyse Political Commentator's argument in Document 1: *Freedom of expression is not a human right*, by identifying its main conclusion, intermediate conclusions and any counter-assertions. [6]
- 3 Give a critical evaluation of the strength of Political Commentator's argument in Document 1: *Freedom of expression is not a human right*, by identifying and explaining any flaws, implicit assumptions and other weaknesses. [9]
- 4 'People who use their freedom of expression to cause harm should be severely punished.'

Construct a reasoned argument to support **or** challenge this claim, commenting critically on some or all of Documents 1 to 5, and introducing ideas of your own. [30]

## DOCUMENT 1

### Freedom of expression is not a human right

The intentions behind the United Nations Universal Declaration of Human Rights were good, but the Declaration should not have identified “the right to freedom of opinion and expression” as a fundamental human right.

The well-known American judge, Oliver Wendell Holmes, stated in 1919, “The most stringent protection of free speech would not protect a man in falsely shouting ‘fire’ in a theatre and causing a panic.” This influential example shows that unrestricted freedom of speech can cause a great deal of harm. Rather than defending freedom of expression, law-makers have a moral obligation to limit it, for the sake of public safety.

In many countries, reports of hate speech and incitement have increased since laws protecting human rights were passed. It is therefore impossible to deny that belief in the right to freedom of expression encourages intolerance and discrimination based on race and religion. Fear of those who are in any way different from ourselves lurks just below the veneer of our apparently civilised attitudes and behaviour. Only legal restrictions on free speech prevent this fear from erupting into hatred and violence. History shows that reducing this protection by even a little releases unstoppable forces of evil, which lead inevitably to discrimination, persecution and eventually genocide. It is unthinkable to allow that to happen. So we must abandon belief in freedom of expression as a fundamental human right.

The rights to security of person and freedom from discrimination are more important than the alleged right to freedom of expression. Because the expression of offensive opinions threatens those rights, it should not be allowed. The Declaration was intended to ensure that nothing like the Nazi persecution of the Jews and other minority groups could happen again, but the first step which led to that persecution was the unconstrained utterance of offensive opinions about certain categories of person.

Supporters of freedom of expression often claim that religion should not be protected from verbal attack. But religious beliefs are precious to those who hold them, and it pains them to hear those beliefs mocked or denied. So any principle which would allow the free expression of anti-religious sentiments is seriously flawed.

Another form of protection which governments owe to their citizens is protection from slander and libel. These forms of defamation are illegal in all civilised states – any state which failed to prohibit them could not truly claim to be civilised. So individual freedom must not extend to making untrue and unfair comments about other people. One of the least admirable traits of human nature is our readiness to believe and pass on with embellishments anything we hear to the detriment of our relatives, friends, colleagues and neighbours.

In several recent high-profile cases, officials with access to state secrets have believed that they had a moral duty to reveal them, because they showed evidence of corruption and abuse of power. But the freedom of speech of people in such positions of trust must be drastically curtailed. Governments must be free to prevent people with access to national secrets from putting the safety of the realm at risk by revealing them.

### Political Commentator

**DOCUMENT 2**

Freedom of expression is an essential factor in achieving the development, dignity and fulfilment of every person. The free exchange of ideas and information with others enables people to make their own choices and retain control over their own lives.

Freedom of expression is necessary for good governance and for economic and social progress.

Free debate about political issues exposes the strengths and weaknesses of political parties. This enables voters to make informed judgments about who is best qualified to govern the country.

Media scrutiny of the government helps to expose corruption and other abuses of power and prevents the development of a culture of dishonesty.

Freedom of expression promotes good governance by making the government aware of any issues which may be causing concern to groups and individuals in the country.

Free debate about new legislation helps to ensure that laws have the support of the population, making them more likely to be respected.

Freedom of expression is the foundation of other human rights. It enables journalists and activists to bring human rights abuses to light and to persuade the government to take action.

Support our campaign to protect the right to freedom of expression.

**Right-defender.org**

**DOCUMENT 3**

In February 2012, the feminist protest band Pussy Riot performed a song called Punk Prayer in the Cathedral of Christ the Saviour, in Moscow. The obscene song attacked the Orthodox Church for supporting President Vladimir Putin.

Several weeks after the performance in the cathedral, members of the group were arrested and charged with “hooliganism motivated by religious hatred”. They were subsequently convicted and sentenced to two years in prison.

Some Russians felt that the women had been treated too harshly, as part of attempts to clamp down on opposition to the government. But others felt the group’s performance of the song was a gross offence to the Orthodox faith. International human rights groups claimed that the conviction infringed the women’s right to free speech and designated them as prisoners of conscience.

Italian journalist Enza Ferreri commented, “This verdict represents the views of ordinary Russians, and the majority of Russians, more than similar verdicts represent the views of ordinary westerners. Any civilised country has laws that protect the feelings of religious people from being offended. When they say that there is no freedom of speech in Russia, that Putin’s opponents are not allowed to speak, this is untrue, because the media have been constantly criticising Putin, and they have been allowed to do so, unlike many countries where you can’t criticise the regime. Pussy Riot are not on trial because they are against Putin, but because they have committed criminal acts which would be considered criminal in many civilised countries.”

The members of Pussy Riot were released under an amnesty in December 2013. Critics claimed that this move was an attempt to avoid bad publicity in the run-up to the Winter Olympics, which were held in Russia in February 2014.

**DOCUMENT 4**

On 18 September 2012, two female police officers were killed in a gun and grenade attack while responding to a report of a burglary in Greater Manchester, England. A few hours later, a man walked around a shopping centre in the area wearing a T-shirt on which he had written slogans celebrating the murders and expressing his hatred of police. He later admitted “displaying writing or other visible representation with intention of causing harassment, alarm or distress” and was sentenced to four months’ imprisonment.

The judge said: “This, on any view, is a shocking case. Your response to the shocking events was to parade around in a T-shirt which had on it the most disgusting of slogans. In my judgment, it is utterly depressing that you felt able to stoop so low as to behave in that way. Your mindless behaviour has added to the pain of everyone touched by the death of these young officers. You have shown no remorse. Whatever thoughts you may have about the police, or whatever personal animosity, gave you no excuse to behave in the way that you did. I hope that this sentence gives you time to reflect on the appalling way in which you behaved.”

Most comments have welcomed the sentence, but a Member of the European Parliament representing the North-West of England (which includes Greater Manchester) described the sentence as an “attack on free expression that weakened Britain’s moral authority in the world”. He asked: “How do we condemn Russia for imprisoning members of the Pussy Riot group for offensive acts if we do the same here? If we are to protect freedom in this country, then we have to accept that even offensive idiots have the right to express their views. The fact that many people may be upset by them is not a sufficient justification. I don’t know how you draw the line if you don’t allow that.”

**DOCUMENT 5**

“Homophobic, sexist and racist language will not be tolerated in this university” is a policy intended to protect groups of people who in previous generations might have been the target of abusive or discriminatory comments and vocabulary. Some universities, and many student unions, have adopted policies of this kind. But according to a recent report, the existence of such policies is evidence of suppression of ideas and intolerance of minority opinions.

The on-line magazine which conducted the survey claims that 80% of universities in the UK have restricted free speech and expression on campus beyond the requirements of the law.

The report highlights a few cases where students really do appear to have suppressed free speech. In February 2013, for example, students at the University of Essex disrupted a lecture which the Israeli Deputy Ambassador had been invited to deliver, forcing the university to cancel the lecture. The Professor who invited the Deputy Ambassador said, “One of the key goals of the University is ‘excellence in education’: I don’t think we accomplish this when an element of the student body believes the only appropriate tools they have when confronted with ideas and people they disagree with is to throw temper tantrums and employ hecklers’ vetoes.”

However, the President of the University Union, who supported the disruption, said, “The invitation of a representative of the state of Israel calls into question the ethical practices of the University as an institution and I feel, with the passage of time, will reflect badly on the University.”

People who were at university two generations ago have fond memories of sitting with their fellow students on the grass or in the bar, trying out ideas and ‘putting the world to rights’. As they remember, no opinions were off-limits for discussion by students in those days. According to the on-line magazine, times have changed.

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