Level 2 Award

Thinking and Reasoning Skills

OCR Level 2 Award in Thinking and Reasoning Skills B902

Thinking and Reasoning Skills Case Study

Mark Scheme for June 2010

Question			Expected Answer	Mark	Rationale
1			In Document 6 Alice gives the following argument: *"Although there have been mistakes in the past and innocent people have been found guilty, DNA testing is so good these days that they can prove who was and wasn't at a crime scene and if the penalty is death then juries will only give a guilty verdict when they're absolutely certain anyway. So it's unlikely that there will be miscarriages of justice in the future. Therefore murderers, terrorists and drug dealers who have caused the death of others should be put to death themselves."*		
	(a)		Mark up Alice's argument in the box above to show the different argument components: • Underline the **main** conclusion • Put brackets around the **intermediate** conclusion • Circle **both** conclusion indicator words Credit 1 mark for each correctly identified part of the argument *"Although there have been mistakes in the past and innocent people have been found guilty, DNA testing is so good these days that they can prove who was and wasn't at a crime scene and if the penalty is death then juries will only give a guilty verdict when they're absolutely certain anyway.* (So) *(it's unlikely that there will be miscarriages of justice in the future).* (Therefore) *murderers, terrorists and drug dealers who have caused the death of others should be put to death themselves."* • Credit one mark for: [therefore] *murderers, terrorists and drug dealers who have caused the death of others* should be put to death themselves • Credit one mark for: [so] (it's unlikely that there will be miscarriages of justice in the future) (Allow the conclusion with the conclusion indicator words also underlined/bracketed. No credit can be given if other argument components are also included.) • Credit one mark for (So) **and** one mark for (therefore) (If 3 words are circled and two are correct award one mark only. If 3 are circled and only one is correct then no marks should be awarded.) A mark should also be credited if the word 'should' is circled.	[4]	

Question			Expected Answer	Mark	Rationale
	(b)		At the start of this argument Alice says, *"… there have been mistakes made in the past and innocent people have been found guilty…"* Circle the correct name of this argument component: (Counter Argument) Evidence Example Reason Credit one mark for (Counter Argument) If two components are circled no marks should be awarded.	**[1]**	
2			In Document 6 Pawel and Alice have the following dialogue: Pawel 1 *So are you saying it was right when those two 18 year old girls last year were hanged in Singapore for drug trafficking? One of them had had a really hard life. She had been orphaned when she was 8 and sent to live with awful carers. She was exploited by people and had been living on the streets.* Alice 1 *I don't know about that, but I do know that since the death penalty was abolished in Britain in the 1960s the murder rate has more than doubled. It just goes to show that if you take away the deterrent of hanging then people are more likely to commit murder.* Pawel 2 *If we bring back the death penalty for murder, it will then be extended to rape, then to GBH and next thing you know we'll be back in the nineteenth century and hanging people for stealing something worth a few quid and even for food poisoning with some dodgy dumplings!* Alice 2 *Now you're just being ridiculous. That's the sort of thing Kate would say. She was arguing earlier that Eliza must have been guilty because there was no other explanation for the sickness, but there's no point paying any attention to what Kate says. She's so arrogant all the time and just exaggerates about everything.* All the arguments in these pieces of dialogue contain flaws or weaknesses.		

Question			Expected Answer	Mark	Rationale
	(a)		Use the following list to identify the flaw or weakness present in each of the arguments. <table><tr><td>A</td><td>Ad hominem flaw</td></tr><tr><td>B</td><td>Irrelevant appeal to authority</td></tr><tr><td>C</td><td>Straw man flaw</td></tr><tr><td>D</td><td>Irrelevant appeal to pity</td></tr><tr><td>E</td><td>Tu quoque flaw</td></tr><tr><td>F</td><td>Slippery slope flaw</td></tr></table> Insert the correct letter identifying the flaw or weakness contained in each piece of dialogue in the table below. Only one letter should be entered for each piece of dialogue. <table><tr><td>Pawel 1</td><td>**D**</td></tr><tr><td>Pawel 2</td><td>**F**</td></tr><tr><td>Alice 2</td><td>**A**</td></tr></table> Credit one mark for each correct answer as shown in the table above No credit can be given if more than one letter is entered.	**[3]**	

	(b)		Explain the weakness in reasoning in the piece of dialogue labelled Alice 1.
			 Credit one mark for a vague or generalised explanation
			 eg "It might have been something else which caused it." (1 mark)
			       "People still committed murder even when the death penalty existed." (1 mark)
			       "It is a post hoc flaw." (1 mark)
			 Credit two marks for a full and relevant explanation
			 eg "Just because the murder rate rose after the death penalty was abolished, doesn't mean that it was the end of the death penalty which caused the rise." (2 marks)
			       "Alice is confusing causation with correlation here." (2 marks)
				[2]	

Question			Expected Answer	Mark	Rationale
3			In Document 6 Alice argues in favour of the death penalty for certain crimes today, but she doesn't clearly say whether she believes it was right to hang people for other crimes in 1815. Using what you already know about Alice from Document 6, would Alice believe it was right to sentence people to death for attempted murder in 1815? Yes No (circle one answer) Explain your answer: Either Yes or No can be circled. No marks are awarded for this, but the explanation must match the response circled. No marks should be awarded if the explanation contradicts the circled response. Credit one mark for an explanation which is vague or generalised eg "She would agree that it was right to sentence people to death for attempted murder because she believes in the death penalty" (1 mark) Credit two marks for a full and relevant explanation eg "She wouldn't agree that it was right to sentence people to death for attempted murder because she makes it clear that she only believes in the death penalty when somebody actually causes the death of another person." (2 marks)	**[2]**	

Question			Expected Answer	Mark	Rationale
4			The drama students studying the trial are set a task examining the credibility of the witnesses to help them understand their characters better. These are the notes made by one of the students having read documents 2a, 2b, 2c and 2d:	[10]	

Credibility Criterion:		Explanations	
A	Had a good ability to observe	1	Because he/she works for Robert Turner and might support the prosecution to protect his/her job
B	Lacks relevant expertise to justify his evidence	2	Because Eliza had been disrespectful towards him/her
C	Will be neutral in what they say	3	Because he/she served the dumplings to the family
D	Should have strong relevant expertise	4	Because his/her job involves good knowledge and understanding of medicine and science
E	May have a bias against Eliza	5	Because he works for a law firm and not as a scientist with a knowledge of arsenic
F	May have a vested interest to lie	6	Because it is his/her profession to provide unbiased guidance at a trial

Please complete the table below, by matching the witnesses to the appropriate credibility criteria (A to F), which in turn should be matched to the appropriate explanations (1 to 6). There is one for each witness.

Please circle the correct letter or number.

Name of witness	Credibility Criterion	Explanation
The Judge	A B (C) D E F	1 2 3 4 5 (6)
Charlotte Turner	A B C D (E) F	1 (2) 3 4 5 6
Haldebart Turner	A (B) C D E F	1 2 3 4 (5) 6
Roger Gadsdell	A B C D E (F)	(1) 2 3 4 5 6
Sarah Peer	(A) B C D E F	1 2 (3) 4 5 6
John Marshall	A B C (D) E F	1 2 3 (4) 5 6

Question			Expected Answer	Mark	Rationale
			Credit one mark for each correct linking of credibility criteria with the right explanation. Also, credit one mark for linking the right explanation to the correct witness. (Rationale: candidates who only link credibility criterion to witness do not get the mark because without the correct explanation, there is no evidence that they understand the criterion and must have just guessed). eg: • Two marks for linking E and 2 with Charlotte Turner. • One mark: for linking Charlotte Turner with 2, but wrong Credibility Criterion • One mark for linking E and 2, but with wrong witness • Zero marks for linking Charlotte Turner and E and with wrong explanation.		
5			In order to persuade a jury to find somebody guilty of a serious crime, the prosecution tries to establish that the accused had a strong motive to commit the crime. In document 2a line 1 to line 17 the prosecution is trying to establish Eliza's motive to commit murder – ie why Eliza might want to kill the Turner family.		

	(a)		Explain the motive the prosecution is trying to establish.
			
			 Credit one mark for a partial explanation which is vague and generalised
			 eg "Eliza didn't like the family" (1 mark)
			       "Eliza was cross with the family" (1 mark)
			       "The family was unhappy with Eliza" (1 mark)
			 Credit two marks for a developed explanation which indicates that Eliza would respond to the fact that she felt threatened by the family
			 eg "Eliza had been threatened with the sack and this made her so cross with the Turner family that she wanted to try to kill them with poison" (2 marks)
			       "Eliza wanted revenge on the family because she had been threatened with the sack" (2 marks)
				[2]	Developed explanations contain reasoning and will often contain indicator words like "because", "as", "so" "if ..then"etc.
					 Partial explanations offer a reason but are incomplete and invite the response "And so?"
					 In this instance for 2 marks there has to be a link to the desire for revenge/murder etc.

Question			Expected Answer	Mark	Rationale
	(b)		Decide whether you think this is a likely motive for Eliza to want to murder the family and explain your answer.	**[3]**	
			Yes No Maybe (Circle one answer)		
			Either Yes, No or Maybe can be circled. No marks are awarded for this, but the explanation must match the response circled. No marks should be awarded if the explanation contradicts the circled response.		
			Three marks – fully developed explanation, referring to this case. eg "This is not a likely motive because Mrs Turner 'forgave her' and kept her on, so why would Eliza want to kill her?" (3 marks) "This could be a likely motive because, as document 3 says, 'many horrific crimes have been committed by people for the most trivial of reasons." (3 marks)		Developed explanations contain reasoning and will often contain indicator words like "because", "as", "so" "if ..then"etc. Partial explanations offer a reason but are incomplete and invite the response "And so?" In this instance for 3 marks the development is likely to include use of evidence to support the explanation.
			Two marks – partially developed explanation, referring to this case, but not fully developed. eg "The evidence establishes a likely motive because being threatened with the sack is serious" (2 marks) "The evidence doesn't establish a likely motive because she was only being told off" (2 marks)		
			One mark – general explanation, not clearly related to this case. eg "Not being liked isn't a good reason to kill somebody" (1 mark)		

Question			Expected Answer	Mark	Rationale

6			In Document 2b, the evidence of Haldebart Turner, the following exchange takes place:
			
			Q. Did the prisoner give any of you any assistance while you were sick?
			
			A. None in the least.
			
			This evidence is intended to help prove Eliza's guilt.
			Give two possible alternative explanations for the fact that Eliza did not help any members of the family, which do not suggest any guilt.
			
			Credit one mark for each valid alternative explanation up to a maximum of 2.
			If two different explanations are given within the same answer, then 2 marks can be credited.
			eg "Because she didn't know that any of them were sick" (1 mark)
			     "Because she was being sick herself" (1 mark)
			     "Because she didn't hear them call for help" (1 mark)
			     "Because none of the family called for help" (1 mark)
				[2]	

7			In document 2e, the judge makes the following claim:
			
			The other question for your consideration is, by whose hand the poison was administered; and …….we have nothing before us but circumstantial evidence
			
			Identify **three** examples of 'circumstantial evidence' in what the judge goes on to say in document 2e.
			
			Credit one mark for each valid example taken from the document, either a direct quote or a paraphrase.
			eg "Eliza blamed the milk, then the yeast, then the sauce" (1 mark)
			     "It was the dumplings alone which caused the poisoning and only Eliza had made them" (1 mark)
			     "Eliza gave no assistance to her master and mistress" (1 mark)
				[3]	For a mark to be awarded, the example must relate directly to Eliza. For instance, in the second exemplar answer here, omitting '*only Eliza had made them*' would mean the answer could not be credited.

Question			Expected Answer	Mark	Rationale
8			In document 5, the following argument is presented: *Guilty verdicts were given in 26 of the 56 cases involving servants. The fact that so many faced charges which did not stand up in court can be seen as a sign of the prejudice of the employers of servants when something went wrong. Blame was cast immediately on the servant, regardless of whether there was actually any evidence against them.* If the following statistic was true, explain how it would weaken the above argument: "Of the 540 cases studied overall (not only those where servants were accused), the accused was found guilty in 250." Credit one mark for a partial explanation which is vague or incomplete eg "Fewer than half the accused were actually found guilty (1 mark) "A lot of servants weren't found guilty and a lot of other people accused of poisoning weren't found guilty" (1 mark) Credit two marks for a developed explanation eg "A similar proportion of servants were not found guilty as of all the poisoning cases, so this doesn't show there was any prejudice by employers towards their servants. (2 marks)	[2]	Developed explanations contain reasoning and will often contain indicator words like "because", "as", "so" "if ..then"etc. Partial explanations offer a reason but are incomplete and invite the response "And so?"
9			In document 7 Kate says: *Putting in made up dialogue which points the finger at Robert is just like somebody at the trial telling lies.*		
	(a)		What is the name given to this type of component in an argument? (analogy) assumption counter argument example (circle one answer) Credit one mark for (analogy) If two components are circled no marks should be awarded.	[1]	

Question			Expected Answer	Mark	Rationale
	(b)		Use the Venn diagram below to identify one similarity and two clear differences between the made up dialogue for a play about Eliza and witnesses telling lies at Eliza's trial. Credit one mark for each relevant similarity or difference Similarities eg "They both involve making things up (1 mark) Differences eg "Making up dialogue for a play is for entertainment" (1 mark) "Lying at a trial is a criminal offence" (1 mark) "Lying at a trial is a criminal offence, making up dialogue isn't (1 mark) "Lying at a trial can lead to somebody suffering a bad consequence, making up dialogue won't (1 mark)	[3]	It is not necessary for an <u>explicit</u> difference (exemplars 3&4 opposite) to be stated here. Credit should be given if the candidate includes under "*Making up dialogue for a play*" something which clearly does not apply to a trial: eg "*It is for entertainment*". Marks should similarly be awarded in the "*Telling lies at a trial*" circle. Where a candidate enters an explicit difference in one circle and an implicit one in the other, both marks can be awarded as long as the implicit difference is not simply a repeat of the explicit one.
	(c)		At the end of Document 7, Nyati claims that Kate is "going over the top". Nyati clearly does not agree with Kate's reasoning that "Putting in made-up dialogue which points the finger at Robert is just like somebody at the trial telling lies." Using your answer to part (b), explain whether or not you agree with Nyati. Agree with Nyati Disagree with Nyati (*circle one answer*) Either Agree or Disagree may be circled. No marks are awarded for this, but the explanation must match the response circled. No marks should be awarded if the explanation contradicts the circled response. Credit one mark for an explanation which is based largely on 'weighing' the similarities or differences, or which expands on the answer given in part (b) eg "(Agree) because there are more differences than similarities" (1 mark) "(Disagree) because you should always tell the truth" (1 mark) Credit two marks for an explanation that leads to a conclusion or one which goes beyond 'weighing' and includes reference to relevance or significance, or which uses the answer to part (b) to produce a developed explanation. eg "(Agree) because there are more differences than similarities, so the analogy is a poor one" (2 marks)	[2]	

		"(Agree) because the two differences are more significant than the similarity" (2 marks) "(Agree) because a script for a play is written to try and entertain the audience, whereas lying at a trial can lead to somebody being locked up." (2 marks) No marks should be awarded for a simple repetition of the similarity or of one of the differences stated in part (b).	

Section B Thinking to a conclusion based on reasons and evidence

Question	Expected Answer	Mark	Rationale

10	In this section you will be required to use all of your reasoning, evaluation, information processing and creative thinking skills to come to a reasoned decision or conclusion.
	You may use any of the documents for evidence and information to support you in your argument.
	In Document 3 a number of claims are made to support the conclusion that Eliza was guilty. For each claim listed below, give a counter claim in order to support the view that Eliza could be innocent. You may use information contained in any of the other documents or your own reasoning skills in your answers. The first one has been done for you.
	
	Claim 2: Eliza ate the dumplings herself only after the family had started to suffer ill effects and after Gadsdell had ignored her warning. She did this either to divert suspicion away from her or to try to kill herself.
	
	Credit one mark for a partial or vague explanation suggesting her innocence
	eg "She just wanted to see what they tasted like" (1 mark)
	      "She didn't think there was anything wrong with them" (1 mark)
	      "She didn't have time to eat before" (1 mark)
	Credit two marks for a developed explanation of how the claim can be countered to suggest her innocence
	eg "She had not put any arsenic in the dumplings, so she ate them because she didn't think there was anything wrong with them" (2 marks)
		[2]	Developed explanations contain reasoning and will often contain indicator words like "because", "as", "so" "if ..then"etc.
			Partial explanations offer a reason but are incomplete and invite the response "And so?"

Question			Expected Answer	Mark	Rationale

			Claim 3: She gave a strong warning to Roger Gadsdell not to eat any of the remaining dumplings when he came into the kitchen. She did this because she didn't want him to be poisoned.
			
			Credit one mark for a partial or vague explanation suggesting her innocence
			eg "She thought he wouldn't like the dumplings" (1 mark)
			      "The dumplings didn't look very nice" (1 mark)
			      "The dumplings were for the family" (1 mark)
			Credit two marks for a developed explanation of how the claim can be countered to suggest her innocence
			eg "In Document 2C Eliza said, '*Gadsdell, do not eat that, it is cold and heavy*'. This shows that she just didn't want him to eat something which wasn't very nice" (2 marks)
				[2]	

11			Using the information in Document 4, identify and state three claims which are used as evidence or reasons in support of the argument that Eliza Fenning was innocent of the charge of attempted murder.
			
			Credit one mark for each precise claim which could be used to support her innocence.
			Allow direct quotations from the Document, or paraphrases, or other valid claims inferred from the Document
			No mark is to be awarded for imprecise or vague generalities
			eg "There was no real evidence that what had made the family ill was arsenic" (1 mark)
			      "Arsenic will not turn metal black, (so there is no evidence she put arsenic in the dumplings)" (1 mark)
			      "She didn't get a fair trial because her lawyers didn't/couldn't defend her properly" (1 mark)
				[3]	

Question			Expected Answer	Mark	Rationale
12			Using some of the claims you identified in question **11**, present and develop a brief argument in support of Eliza Fenning being innocent of the charge of attempted murder. • You must clearly identify your main conclusion. • You must provide reasons for your main conclusion. • You must support at least one reason with relevant evidence or examples. Marks are to be allocated in accordance with the performance descriptors below. The content for the arguments may be borrowed from the documents or may be independent of those documents. **Performance descriptions for 7 to 9 marks: Level 3** • The conclusion is precisely stated • Reasons are provided for the conclusion, which are persuasive, cogent and fully developed. • The structure of the reasoning is clear and explicit and places minimal reliance on assumptions. • Evidence and examples are provided which are both relevant and clearly strengthen the reasoning. • Grammar, spelling and punctuation are good. eg "Eliza Fenning was definitely innocent of the charge of attempted murder. The charge was based on the accusation that she poisoned the family with arsenic, but there was no real evidence that what had made the family ill was arsenic. Nobody did proper tests on the white powder from the pan to prove that it was arsenic. The prosecution didn't prove any good motive for her to kill them either. Although she had been told off for being in the men's room, that is not enough to want to murder the family. This is circumstantial evidence. Eliza was only found guilty at the time because she didn't get a fair trial. Her lawyers didn't defend her properly, because they were not allowed to question the witnesses." (9 marks)	**[9]**	The Level awarded should be a 'best fit'. For instance, if the conclusion is strongly implied, but not explicitly stated, the candidate can still access level 3 as long as the reasoning is strong and well supported by evidence and examples.

Question			Expected Answer	Mark	Rationale
			Performance description for 4 to 6 marks: Level 2 • The conclusion is clearly stated. • Reasons are provided for the conclusion, which are plausible and relevant. • The structure of the reasoning is not fully explicit and does rely on some assumptions. • Evidence and examples are provided which are relevant but are open to challenge. • Grammar, spelling and punctuation are adequate. eg "Eliza Fenning was definitely innocent of the charge of attempted murder. There is no real evidence that arsenic was used. The white powder could have been anything and it doesn't make metal black. Why would she want to kill the family anyway? She says that she liked her job and that she didn't have any concern with the drawer at all. The trial took place nearly 200 years ago, so I don't think it was fair." (6 marks) **Performance description for 1 to 3 marks: Level 1** • The conclusion is imprecise and unclear. • Reasons are undeveloped and only provide weak support for their conclusion. • Structure is either absent or minimal or unclear. • Evidence and examples are poorly developed or explained and are open to obvious counter examples and objections • Grammar, spelling and punctuation may be inadequate. eg "I don't think she did it. Why would she try to kill them when she had a good job? I don't think they should have kept arsenic in the drawer and it could have been Gadsdell who took it. It didn't have to be arsenic either, dumplings can make you sick if you eat too many." (3 marks) **0 marks – no creditworthy material**		

Question	Expected Answer	Mark	Rationale

13	In 1815 the legal system did not allow the accused to be questioned in court. The author of Document 3, John Paget, later claims that if Eliza had been questioned at her trial, then this would have only strengthened the case for finding her guilty. Give one reason why you might agree with this claim and one reason why you might disagree. Explain your answer.
	
	Agree:
	Credit one mark for a reason which is vague and generalised, only offering a partial explanation.
	eg "She would have been made to tell the truth that she did it" (1 mark)
	       "She would have muddled her story" (1 mark)
	Credit two marks for a developed explanation
	eg "She had already given confused answers when questioned and this would have happened again (2 marks)
	
	Disagree:
	Credit one mark for a reason which is vague and generalised, only offering a partial explanation.
	eg "She would have been able to tell the court that she didn't do it" (1 mark)
	       "She would have been able to say exactly what happened" (1 mark)
	Credit two marks for a developed explanation
	eg "She would have been able to explain that the reason why she hadn't gone to help the family was because she was ill herself" (2 marks)
	       "She would have been able to persuade the court that she had no reason to want to kill the family" (2 marks)
		[2]
		
		[2]
			Developed explanations contain reasoning and will often contain indicator words like "because", "as", "so" "if ..then"etc.
			Partial explanations offer a reason but are incomplete and invite the response "And so?"

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