

Critical Thinking

Advanced GCE

Unit **F503**: Ethical Reasoning and Decision-Making

Mark Scheme for January 2013

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All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

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Annotations

Annotation	Meaning
	Key point
Question 3	
	Criterion
	Evaluation of criterion
	Recognition of ambiguity
	Intermediate conclusion
	Hypothetical reasoning, example, evidence, analogy, counter-argument/assertion with response
	Gap or flaw in reasoning. In combination, unsuccessful attempt at
Question 4	
	Principle
	Evaluation of principle
	Relevant use of source
	Evaluation of source
	Alternative
	Choice/Conclusion (Resolution of issue)
	Intermediate conclusion
	Hypothetical reasoning, example, evidence, analogy, counter-argument/assertion with response
	Gap or flaw in reasoning. In combination, unsuccessful attempt at ...
	Blank/additional page seen

NB Examiners should use the above annotations to assist them in deciding their marks. They do not, however, have to use them to annotate every instance seen.

Subject-specific Marking Instructions

Preamble

This paper sets out to assess candidates' critical thinking skills in the context of making decisions using principles and evidence. To be successful, in general terms candidates need to be able to demonstrate the ability to handle key terms and concepts such as choice, criteria and principle and to come to judgments in the context of situations determined by a set of resources.

Assessment by Specification

Candidates should be able to....		Qn 1	Qn 2	Qn 3	Qn 4
3.3.1	Evaluate a range of source material and select appropriate ideas, comments and information to support their reasoning and analysis of complex moral and ethical problems.	✓	✓		✓
	Identify and evaluate conflicting ideas and arguments within a range of source material.				✓
	Explain how ideas and arguments presented in the source material may be influenced by a range of factors.		✓		✓
	In addition to those common patterns of reasoning developed in Units 1 and 2, identify, analyse and apply hypothetical reasoning.				✓
	Demonstrate understanding of the idea that there may be a range of different possible responses to complex moral and ethical problems, and that there may be many different criteria that can be applied in assessing the value and effectiveness of different solutions to complex moral and ethical problems.			✓	
3.3.2	Demonstrate understanding of the nature of a dilemma.				
	In response to real issues, construct their own arguments.				✓

Extended Writing

Question 4 requires candidates to produce a piece of extended writing.

Stretch and Challenge

Level 4 of Question 4 is the stretch and challenge element of this examination.

Assessment Objectives [AOs] and Allocation of Marks

The total mark for the paper is 60, allocated as follows:

- AO1 **Analyse** argument 15 marks
- AO2 **Evaluate** argument 19 marks
- AO3 **Develop** own arguments 26 marks

This weighting is reflected in the different types of questions asked and in the application of the mark scheme.

Question	AO1	AO2	AO3	Total
1	3	3		6
2	3	3		6
3	4	5	3	12
4	5	8	23	36
Total	15	19	26	60

Question	Answer	Marks	Guidance
1	<p>Indicative content</p> <ul style="list-style-type: none"> - Tony Robinson is an actor, not an expert in archaeology. + But he must have gained some expertise over the years he has been presenting Time Team. + And he has access to the advice of experts, so his expertise is limited, but not negligible. + Tony Robinson's experiences with the programme have given him some ability to see the problems which detectorists can cause. + And his colleagues have more. - The expert advisers have a vested interest to support restrictions on the activities of amateurs. + But Tony Robinson and his advisers and the people who maintain the website all have a vested interest to protect the integrity and reputation of the Time Team programmes by not making unfair or ill-founded judgments. <p>Overall, therefore, the quoted opinions have a fair amount (neither negligible nor excellent) of credibility.</p>	6	<p>Level 3 (5–6 marks) A nuanced judgment well supported by detailed, accurate assessments according to appropriate credibility criteria.</p> <p>Level 2 (3–4 marks) A judgment (may be implied or over-stated), supported by reference to credibility criteria.</p> <p>Level 1 (1–2 marks) Valid comment on credibility.</p> <p>Level 0 (0 marks) No valid comment.</p>

Question	Answer	Marks	Guidance
2	<p>Indicative content</p> <ul style="list-style-type: none"> - The Counter claims that most of the finds have not been reported. - The figures have been calculated on the basis of estimates/guesses. + However, the compilers have tried to avoid the danger of exaggeration by under-estimating the statistics at every point in the calculation. <p><i>Credit only in conjunction with previous point:</i></p> <ul style="list-style-type: none"> - The compilers admit that they have under-estimated the numbers. <p><i>Minor additional points:</i></p> <ul style="list-style-type: none"> - The compilers are biased/have a vested interest to exaggerate the statistics. - The compilers are apparently amateurs, therefore lack expertise. <p><i>Do not credit references to the date.</i></p> <p>Overall, therefore, the Counter is not of much use as evidence of the activities of nighthawkers, but it almost certainly does highlight a genuine problem.</p>	6	<p>Level 3 (5–6 marks) A nuanced judgment, well supported by detailed, accurate assessments of the reliability of the statistics.</p> <p>Level 2 (3–4 marks) A judgment (may be implied or over-stated), supported by reference to the reliability of the statistics.</p> <p>Level 1 (1–2 marks) Valid comment on the reliability of the statistics.</p> <p>Level 0 (0 marks) No valid comment.</p>

Question	Answer	Marks	Guidance
3	<p>c = Criteria: Application and evaluation of selected criteria to choice</p> <p><u>Examples of 1 mark</u></p> <ul style="list-style-type: none"> • Valid simple assessment of issue (not stated choice) by reference to a valid criterion. • Valid simple assessment of stated choice by reference to an inaccurately-stated criterion. • Largely speculative assessment by reference to a valid criterion. • Largely repetitive assessment by reference to a different valid criterion. • Ill-judged/trivial assessment of stated choice by reference to a valid criterion. <p><u>Examples of 0 marks</u></p> <ul style="list-style-type: none"> • Entirely speculative assessment. • Ill-judged/trivial assessment by reference to invalid criterion. <p>The choice to be evaluated is:</p> <ul style="list-style-type: none"> • introducing a licensing scheme for metal detectorists. <p>Suitable criteria which might be used to evaluate this choice include:</p> <ul style="list-style-type: none"> • Ease of implementation • Effectiveness • Fairness • Freedom of choice. <p>Other valid criteria should be credited.</p>	12	<p>c = 9 marks – 3 marks for each of 3 answers:</p> <p>3 marks Valid assessment of stated choice by reference to a valid criterion including awareness of ambiguity and/or valid evaluation of criterion.</p> <p>2 marks Valid simple assessment of stated choice by reference to a valid criterion.</p> <p>1 mark Weak or marginal assessment of stated choice or issue by valid or inaccurately-stated criterion.</p> <p>0 marks Very weak attempt at assessment of stated choice or issue by criterion.</p> <p>Ensure that the correct item is highlighted in the marks column in scoris, ie: 3c1 (Criterion 1) 3c2 (Criterion 2) 3c3 (Criterion 3) and enter a mark out of 3 for each of three Criteria answers.</p>

Question	Answer	Marks	Guidance
	<p>Sample 3-mark answers</p> <ul style="list-style-type: none"> • A licensing scheme would probably satisfy the criterion of effectiveness to a very limited extent. Since most people in the UK are generally law-abiding, most detectorists would probably acquire a licence and abide by its conditions. As in the case of guns, a licensing scheme might also make it a little easier to track down people who used a detector improperly. However, nighthawking is already illegal: so most people who already engage in that activity would probably continue to do so, either not acquiring a licence or obtaining one but acting outside its terms • A licensing scheme would not satisfy the criterion of effectiveness, because nighthawking is already illegal: so most people who already engage in that activity would probably continue to do so, either not acquiring a licence or obtaining one but acting outside its terms. This is a very important criterion, because no government should ever introduce a law which is unlikely to achieve its objective • This policy would be possible, but rather onerous, to implement. It would involve a bureaucracy for issuing licences, but this is already achieved for guns and televisions and therefore must be possible. It would also impose additional tasks on police, checking that all detectorists have a licence, and on the courts, prosecuting anyone who failed to obtain a licence or to renew it on time, but all of this could be achieved if it was considered to be worthwhile. So the policy partially fulfils the criterion of ease of implementation 		

Question	Answer	Marks	Guidance
	<ul style="list-style-type: none"> • In some ways, this choice would satisfy the criterion of fairness. It would apply to everyone, which is fair, and it would not prohibit the use of metal detectors altogether, which would be unfair to innocent people whose hobby is searching for lost property. However, the burden of the new regulations would fall mainly on these innocent users of detectors rather than on nighthawkers, many of whom would probably not bother getting a licence. This would be unfair. Overall, therefore, this choice does not satisfy the criterion of fairness. <p>Sample 2-mark answers</p> <ul style="list-style-type: none"> • A licensing scheme would not satisfy the criterion of effectiveness, because nighthawkers would probably either fail to acquire a licence or obtain one but act outside its terms • The burden of a licensing scheme would fall mainly on innocent users of detectors rather than on nighthawkers, many of whom would probably not bother getting a licence. This would be unfair. So this choice does not satisfy the criterion of fairness • This policy would involve a bureaucracy for issuing licences and would also impose additional tasks on police, checking that all detectorists have a licence. So it would not be easy to implement. 		

Question	Answer	Marks	Guidance
	q = Quality of Argument		<p>q = 3 marks</p> <p>3 marks Evaluations well-supported by reasoning.</p> <p>2 marks Evaluations generally supported by reasoning.</p> <p>1 mark Evaluations clearly stated but largely unsupported. <i>or</i> Reasoning contains significant gaps or flaws.</p> <p>0 marks Evaluations not clearly stated or not related to criteria. Ensure that the correct item is highlighted in the marks column in scoris, ie: 3q and enter a mark out of 3 for Quality of Argument.</p>

Question	Answer	Marks	Guidance
4	<p>p = Identification and Application of Relevant Principles</p> <p>General principles have implications that go beyond the case in point. Different kinds of principle a candidate can refer to might include legal rules, business or working practices, human rights, racial equality, gender equality, liberty, moral guidelines.</p> <p>Candidates are likely to respond to the issue by explaining and applying relevant ethical theories. This is an appropriate approach, provided the result is not merely a list or even exposition of ethical theories with little or no real application to the problem in hand. Candidates who deploy a more specific knowledge of ethical theories will be credited only for applying identified principles to the issue in order to produce a reasoned argument that attempts to resolve it. Candidates are not required to identify standard authorities such as Bentham or Kant, or even necessarily to use terms such as Utilitarianism etc, although they may find it convenient to do so; the word “however” is likely to deserve more marks than the word “deontological”.</p> <p>Credit must be given to any argument based on a principle in the sense outlined in the preceding note. Principles of that kind might include:</p> <ul style="list-style-type: none"> • Finders keepers (= by finding an article, the finder acquires a right of ownership) • Everyone has a duty to preserve their culture for the benefit of future generations • There is no such thing as a duty to future generations • The owner of land owns anything concealed in it 	36	<p>p = 12 marks</p> <p>Level 4 (10–12 marks) Accurate identification and developed application of at least 3 contrasting plausible ethical principles or at least 2 contrasting major ethical theories.</p> <p>Level 3 (7–9 marks) Accurate identification and application of at least 2 relevant ethical principles or theories.</p> <p>Level 2 (4–6 marks) Identification of at least 2 relevant principles or developed discussion of 1 principle. Basic application of principles to the issue.</p> <p>Level 1 (1–3 marks) Some attempt to identify at least one principle and to apply it to the issue.</p> <p>Level 0 (0 marks) No use of principles.</p> <p>Maximum level 1 for Identification and Application of Relevant Principles for anyone who only re-cycles criteria from question 3 as principles.</p> <p>To be located in level 4, the use of principles must normally be all of the following:</p> <ul style="list-style-type: none"> • Contrasting (in approach and/or outcome) • Plausible (supported by reasoning and/or generally accepted) • Applied (not necessarily at great length, but more than a brief summative judgment).

Question	Answer	Marks	Guidance
	<ul style="list-style-type: none"> • Treasure/ancient cultural relics belong to the whole community, not to any individual. <p>The best answers are likely to appeal to two or three of the following ethical principles and theories, which are susceptible of fuller development.</p> <p>Sample answers</p> <p>Simple consequentialism seeks to achieve “the greatest good of the greatest number” in general, while hedonistic Utilitarianism seeks specifically to maximise pleasure/happiness and minimise pain. The best consequences and the greatest amount of happiness would probably arise from handing in the artefact to the proper authorities, since scholars and the general public would benefit from being able to see the artefact and knowing that it was in safe hands, while the finder would be made happy by receiving the reward.</p> <p>Kant’s Principle of Universality (the first version of the Categorical Imperative) weakly supports handing in the artefact to the proper authorities, since many people would not want the retention of ancient artefacts for private pleasure or financial gain to be a universal law; however, some people might genuinely not object to it. There is no obvious application of the second version of the Categorical Imperative to this issue.</p> <p>Several of the prima facie duties identified by W D Ross are relevant to this issue. Non-maleficence could be a reason for finders not to dispose of their finds as they chose, because doing so would harm their society as a whole. Conversely, handing over the finds for the benefit of all would fulfil the duty of beneficence. Fidelity, gratitude or justice could be the basis of a duty for detectorists to</p>		<p>Ensure that the correct item is highlighted in the marks column in scoris, ie 4p, and enter a mark out of 12 for Identification and Application of Relevant Principles.</p>

Question	Answer	Marks	Guidance
	<p>share any gains with landowners. In the background, the state fulfils the duty of reparation by rewarding finders and landowners for handing over their finds to the authorities. Both divine command ethics and natural law tend to support the principle of private ownership, which implies that the finder of an ancient artefact should give it to the landowner. A few candidates might legitimately refer to the parable in Matthew's Gospel chapter 13, which takes it for granted that the owner of a field owns the treasure buried in it. Divine command ethics supports the duty to obey the law of the land, which in this case requires finders of treasure to report their finds to the authorities.</p> <p>Theories of the Social Contract require citizens to obey the law of the land unless there is an exceptionally powerful reason not to do so. More broadly, candidates might reasonably suggest that one of the rights waived by members of a civilized society is the right to keep as private possessions objects of historical significance to society as a whole.</p> <p>Rawls's theory of justice strictly applies to public policy rather than to individual actions, but it could be applied to this issue. Behind the Veil of Ignorance, one might (amongst other possibilities) be a detectorist, a landowner, a historian or archaeologist, a member of the public interested in seeing ancient artefacts or a tax-payer who is not interested in seeing them.</p> <p>Robert Nozick's theory of economic libertarianism is concerned principally with redistributive taxation, but its principle that people should decide what to do with what they have earned by their own efforts can be applied to support a policy that detectorists should choose what to do with the artefacts they have found by their own efforts.</p>		

Question	Answer	Marks	Guidance
	<p>s = Use and Critical Assessment of Sources</p> <p><u>Document 2</u> The newspaper has a good reputation and no apparent vested interest to misrepresent the events except a small vested interest to emphasis the spectacular nature of the story in order to gain readers. The positive emphasis in the story may be intended to encourage responsible detectorists and to deter nighthawkers.</p> <p><u>Document 3</u> The newspaper has a good reputation.</p> <p><u>Document 4</u> See mark scheme for question 1.</p> <p><u>Document 5</u> See mark scheme for question 2. Heritage Action itself seems to be well-intentioned but not necessarily expert.</p>		<p>s = 8 marks</p> <p>Level 4 (7–8 marks) Relevant and accurate use of sources to support reasoning. Sustained and persuasive evaluation of sources to support reasoning.</p> <p>Level 3 (5–6 marks) Relevant and accurate use of sources. Some evaluation of sources.</p> <p>Level 2 (3–4 marks) Some relevant and accurate use of sources, which may be uncritical.</p> <p>Level 1 (1–2 marks) Very limited, perhaps implicit, use of sources.</p> <p>Level 0 (0 marks) No attempt to use sources.</p> <p>Except at Level 1, credit references to sources only if they support reasoning.</p> <p>Maximum level 2 for Use and Critical Assessment of Sources for uncritical use of sources.</p> <p>Typical indicators of L4 (any two of which normally locate an answer in L4):</p> <ul style="list-style-type: none"> • More than 2 evaluative references to sources • Nuanced evaluation • Strong support to reasoning <p>Ensure that the correct item is highlighted in the marks column in scoris, ie 4s, and enter a mark out of 8 for Use and Critical Assessment of Sources.</p>

Question	Answer	Marks	Guidance
	<p>q = Quality of Argument</p>		<p>q = 8 marks</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Claims well supported by clear and persuasive reasoning. • Consistent use of intermediate conclusions. • Reasoning supported by relevant use of some of: hypothetical reasoning, counter argument/assertion with response, analogy, evidence, example. • Few errors, if any, in spelling, grammar and punctuation. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Claims supported by clear reasoning • Few significant gaps or flaws • Generally clear and accurate communication • Few errors in spelling, grammar and punctuation. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Claims mostly supported by reasoning • Some significant gaps and/or flaws • Some effective communication • Fair standard of spelling, grammar and punctuation, but may include errors. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Little coherent reasoning • Perhaps significant errors in spelling, punctuation and grammar. <p>Level 0 (0 marks)</p> <ul style="list-style-type: none"> • No discussion of the issue. <p>Ensure that the correct item is highlighted in the marks column in scoris, ie 4q, and enter a mark out of 8 for Quality of Reasoning.</p>

Question	Answer	Marks	Guidance
	r = Resolution of Issue		<p>r = 8 marks</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Resolution of the issue on the basis of a persuasive account of the arguments in favour of the stated choice and developed consideration of at least one alternative • Perhaps an awareness that the resolution is partial/ provisional. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Clear identification of a choice • Some consideration of at least one alternative <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Basic discussion of the issue. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Limited discussion of the issue. <p>Level 0 (0 marks)</p> <ul style="list-style-type: none"> • No discussion of the issue. • Support for one choice based on reasoned rejection of one or more genuine alternative: 7 or 8 marks • Support for one choice + rejection of genuine alternative: usually 6 marks • Support for one choice + mention of alternative: usually 5 marks • Support for one choice without consideration of alternative: maximum 4 marks • General discussion: maximum 3 marks <p>Ensure that the correct item is highlighted in the marks column in scoris, ie 4r, and enter a mark out of 8 for Resolution of Issue.</p>

APPENDIX 1**Principal Examiner's suggestion of possible ideas/approaches to Question 4**

(NB this is **not** the expected level of candidate response.)

The course of action I recommend is that taken by Terry Herbert, according to the report on The Times (Doc 2). He told the owner of the field (who had given him permission to search his land) and they handed in the finds to the authorities, as a result of which they each received a large reward. This was better than if Mr Herbert had kept the finds for himself or had offered them for sale via an auction website, which are the two alternatives mentioned in Doc 3 (also from The Times). The Times has a good reputation for providing accurate information and has no apparent vested interest in relation to this issue, although the way both stories are told may have been influenced by a desire to encourage responsible detecting and to discourage nighthawkers.

According to the Background Information supplied, it is a legal requirement to report finds of treasure to the proper authorities. As a general principle, citizens should obey the law except in the case of quite exceptional over-riding reasons. There are no such exceptional factors in relation to finds of treasure. So, since most "valuable historical objects" qualify as treasure, reporting the finds is the right thing to do.

The finder of an archaeological artefact might reasonably claim to have a right to keep the object. This claim would be supported by the children's moral principle, "Finders keepers". However, this right conflicts with others. In principle, landowners have a legal right to possession of any article contained within the land they own, although in the case of treasure this right has been legally modified. Arguably society as a whole has a moral right of ownership over its own cultural history. The latter principle is supported by Sir Barry Cunliffe's claim, in Doc 3, that nighthawkers "are thieves of valuable archaeological knowledge that belongs to us all;" his claim is supported by his expertise, although it is weakened to some extent by his vested interest to interpret the situation from the perspective of archaeologists and historians. The fairest way of resolving these conflicting claims is for the find to be handed in to a museum and a reward to be shared by the finder and the landowner. If the finder were to keep the object or sell it to the highest bidder, the rights of the landowner and the public would be infringed.

Hedonistic Utilitarianism claims that the course of action to be chosen should be whatever will produce the greatest amount of happiness. The course of action I recommend would increase the happiness of the detectorist, the landowner, archaeologists, historians and many of the general public, including some not yet born. Quite apart from the financial reward, the landowner is quoted in Doc 2 as saying that his own happiness was increased by knowing that such a large number of people had visited the temporary display. Conversely, there is no reason for this choice to make anyone unhappy, except possibly an eccentric multi-millionaire who might have wanted to buy the artefact at an inflated price for a private collection. The worst course of action according to Hedonistic Utilitarianism would be for the finder to keep the artefact for what the police spokesman in Doc 3 calls "a secret museum of heritage artefacts", because this would increase the happiness of no one except himself, and even his increased happiness would probably be rather limited, since he would probably lack the expertise to display the artefact properly and he may also feel guilty at his actions. The finder's own happiness may be increased along with his profit if he sells the artefact on an auction website without telling the landowner, but this increase in his happiness would not outweigh the gain to the landowner and the general public on the course of action which I recommend. Hedonistic Utilitarianism, therefore, supports my chosen course of action.

Although John Rawls proposed his device of the “veil of ignorance” in relation to public policy rather than individual actions, it can be applied to a situation of this kind. Detectorists would hypothetically want to keep or sell the artefact; landowners might want at least a share of the value; archaeologists, historians and some members of the public would want public or charitable funds to be used to give them access to the finds; whereas other members of the public might want to minimise the cost to public funds. The course of action which we would probably choose if we did not know which of these positions in the scenario we would occupy is for the artefact to be put into a museum, and a reward paid to the finder and landowner from a combination of public and charitable funds. According to Rawls, therefore, this is what should be done.

I have approached this question from the perspectives of rights, Hedonistic Utilitarianism and the Veil of Ignorance. All of them lead to the same conclusion, namely that the finder of an archaeological artefact should neither keep it nor sell it for his own profit, but should hand it in to the authorities and share the reward with the landowner, just as Mr Herbert did and as the law requires. Perhaps matters would be different if people who handed in valuable objects were not rewarded, but under current UK law they do receive an appropriate reward, and so their duty is unmistakable.

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